

SHRIMATI SUSHILA ROHATGI:
 Where the group goes into all those aspects, that will be justified.

MR. SPEAKER: The question is:

"That the Bill further to amend the Unit Trust of India Act, 1963, be taken into consideration."

The motion was adopted.

MR. SPEAKER: Now we take up clause by clause consideration. There are no amendments and, therefore, I will put all the clauses together.

The question is:

"Clauses 2, 3 and 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2, 3 and 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI SUSHILA ROHATGI.
 I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted

12.40 hrs.

BURMAH SHELL (ACQUISITION OF UNDERTAKINGS IN INDIA—BILL

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): I beg to move: *

"That the Bill to provide for the acquisition and transfer of the right, title and interest of the Burmah Shell Oil Storage and Distributing Company of India Limited in relation to its undertakings in India with a view to ensuring co-ordinated distribution and utilisation of pet-

roleum products distributed and marketed in India by the said company and for matters connected therewith or incidental thereto, be taken into consideration."

The Government have declared their intention of acquiring effective control over the oil industry, both in refining and marketing as well as in exploration and production of crude oil.

The first step was taken in this direction in March, 1974 when we acquired the assets and operations of ESSO in India. Recently an agreement was signed by Government and the principals of Burmah-Shell for the purchase of cent per cent of the share capital of Burmah Shell Refineries Limited and the transfer and vesting of Indian assets and liabilities of Burmah Shell Oil Storage and Distributing Co. of India Ltd. With the taking over of Burmah Shell, Government would be assuming effective control of about 95 per cent of the production and marketing of petroleum products in the country. We would, as the hon. Members would know, be left only with the small assets of Assam Oil Company and the Caltex which are owned and operated by foreign oil companies. Negotiations for the take-over and control of both the Assam Oil Co. and the Caltex are now going on and we hope that progress will also soon be made in that connection.

As the hon. Members would have noted, this Bill refers only to the acquisition of the distribution and marketing operations of Burmah Shell Oil, Storage and Distributing Co. of India Ltd. It is necessary to execute this part of the total transaction by means of legislation because Burmah Shell Oil Storage and Distributing Co. of India is not a company which is registered in India. It is a branch of a foreign company which is operating in its home in England. There may be

*Moved with the recommendation of the President.

[Shri K. D. Malaviya]

other branches of Burmah Shell registered outside India. We could have purchased the assets of the company but the transaction involved the transfer of both the assets and liabilities, and in the latter, that is, to take care of the liabilities, also it is necessary that this House should enact a law.

The Burmah Shell, as is known to the House, operates a refinery at Bombay, which is conducted by a company which is known as the Burmah Shell Refinery Ltd. duly registered in India and having an Indian entity. It is possible to purchase the shares of Burmah Shell Refinery Ltd. by negotiation and without recourse to legislation and this Government proposes to do it immediately.

Here it is necessary for me to explain very briefly the scheme of the take-over of Burmah Shell.

In the overall interests, it is now considered necessary that hundred per cent of the Burmah Shell Oil Refinery and Marketing Company should be taken over. It is proposed, in the first place, to take over all the Indian assets and liabilities of Burmah Shell Oil Storage and Distributing Company of India Limited and to vest them in the Central Government. The assets include leases and tenancy rights held by the Burmah Shell Oil Storage and Distributing Company of India Limited in India. This Bill provides that the Central Government may, by notification, vest the assets and liabilities in a Government company. As soon as the acquisition of hundred per cent of the shares of the Burmah Shell Refineries Limited in favour of the Government is completed, thereby making it a Government company, Indian assets and liabilities of Burmah Shell Storage and Distributing Company of India Limited will be vested by notification in the Burmah Shell Oil Refineries Limited. At that point when both

the operations are completed, it is proposed to change the name of the Burmah Shell Refinery to Bharat Refineries Limited.

Mr. Speaker, Sir, I will very briefly now describe the scheme of compensation. The Bill provides for payment of compensation of an amount of Rs. 27.75 crores as the principal amount for the transfer and vesting of the Indian assets and liabilities of Burmah Shell Oil Storage and Distributing Company of India Limited to be paid in instalments as shown in the table—in the Second Schedule of this Bill. The compensation for the sale and purchase of hundred per cent share of Burmah Shell Refineries Limited is Rs. 9.25 crores to be paid on 30th March, 1976. This is done by negotiations. I repeat that the hundred per cent share of the Burmah Shell Refineries will be purchased by a payment of Rs. 9.25 crores. This amount is payable to Burmah Shell in London in pound, sterling converted at the State Bank of India exchange rate of £ 5,4810 equal to Rs. 100, that is the rate of exchange which prevailed on the date of agreement when the negotiation between the Government and the Burmah Shell authorities ended on 23rd December, 1975 and an agreement was virtually concluded. The principal amount would earn a tax-free interest at 8 per cent per annum which is in line with the prevailing rate of interest. We have not paid far more, and we consider that less than this will not be appropriate at the present rate of interest prevailing in this industry. The profits for the year 1975....

SHRI DINEN BHATTACHARYYA (Serampore): They will be exempted from the income-tax.

SHRI K. D. MALAVIYA: We have taken that into consideration while paying the compensation. I will come to it later. The profits of Burmah Shell, I might refer it for the benefit of the Hon. Member, you might note, for the year 1975 would be retained

by the Government. Thus, the benefit of takeover would accrue from 1st January, 1975. But the interest on the principal amount, that is, Rs. 37 crores, would be calculated with reference to 1st January, 1976. The rate of interest will be calculated with reference to 1st January, 1976, but the profit from 1st January, 1975 will go to the government company.

Hon. Members are aware of Government's declared intention of acquiring effective control over the oil industry. This is the second major step in that direction. The purpose obviously is to bring this strategic industry under national control not only because we think it should not be left in the hands of the foreign companies but also because we consider the optimisation of petroleum production and its utilisation as of crucial importance to our economy.

Various steps were taken which have enabled us in the last few years to use to the maximum the refinery capacity and use it for the best purposes that have to be there from the point of view of consumption of petroleum products. However, all these objectives of enforcing product patterns according to our requirements are not possible when ownership of such industries like the refinery are in the hands of the foreign company. It may not suit them to produce what suits us in the country, and because a foreign company mainly aims to work for the sake of profits and does not pay as much importance as it ought to in the national interest, there are always difficulties experienced by them and we also face difficulties in enforcing the production of such things as the country needs. So, from time to time it has been noticed that production pattern has to be adjusted to the needs of the nation and this is one of the reasons which has prompted us to control the functioning of the refinery.

In the case of Burmah Shell, we are acquiring a versatile type of refinery which is capable of handling a wide

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range of crude oil and although its current operating level is 3.75 million tonnes per annum it is capable of processing 5.25 million tonnes and with a little adjustment here and there we can increase the working capacity of this refinery even to 6 million tonnes. The refinery is also able to handle upto 2 million tonnes of Bombay High crude without any substantial alteration. When the refinery belongs to us, soon after we will provide some money to the nationalised company to make suitable adjustments with a view to treating Bombay High crude oil properly.

Now immediately, treatment of Bombay High crude in a refinery is a very important matter. Honourable Members will kindly appreciate this that if the versatility of the refinery had not been there, if its suitability had not been adapted to Bombay High crude we would have faced some problem of expediting the refining of the Bombay High crude. The production of Bombay High crude is going to begin after two or three months. We are confident that from March next we shall start bringing crude oil from Bombay High and this oil will be mostly treated in this refinery.

Burmah Shell's distribution and marketing organisation is widely spread over the country. Considered from that point of view, it is a special advantage to the nation to take over the distribution and marketing unit of the Burmah Shell. This marketing organisation has a vast network; it has 5 port installations, 73 depots and 3,173 retail outlets. They have been able to establish in such a comprehensive manner because they have been operating here for a very long period. They were the first entrants in the marketing field. They possess, therefore, a large number of important and strategically located retail outlets in major cities and towns. As a matter of fact, Burmah Shell accounts for slightly more than

[Shri K. D. Malaviya]

30 per cent of the total retail outlets in the country. Honourable members will, therefore, please realise that this is a special advantage in taking over such a vast network of distribution centres, which would have been difficult for us to create in a small time when we really need them. At the time of negotiations for takeover of ESSO, the overriding consideration given by Government was for an assured crude oil supply. Therefore, the agreement and the patterns were different because at that time the advantage of owning and pricing of crude oil was to the producing companies than to the producing countries. That advantage having been taken over now...

MR. SPEAKER: He may kindly continue after lunch.

13 hrs.

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

The Lok Sabha re-assembled after Lunch at fourteen of the clock.

[MR. DEPUTY-SPEAKER in the Chair]

BURMAH SHELL (ACQUISITION OF UNDERTAKINGS IN INDIA BILL
—Contd.

SHRI K. D. MALAVIYA: I was referring to the overall advantages that have accrued to the nation by the take over of Esso, and later on Burmah Shell. We have a special advantage now because there is manouverability in negotiating for the price of crude also. It is no more the principal domain of the oil companies alone. We can go in search of oil where oil is produced also. But in this case we must confess that we are facing difficulties with the availability of crude oil. The special advantage that we are trying to take is to have a third party arrangement by procurement of

crude oil where, within the overall limit of 2.5 million tonnes of crude oil per annum the two parties, that is the Burmah Shell from whom we have taken over and ourselves, can negotiate for the supplies of crude oil at a price that is mutually agreed upon. This arrangement would provide adequate flexibility, safeguards and option for Government in regard to the price and the supplies of crude oil. I have not much to say, Mr. Deputy-Speaker. The interests of the employees as will be evident from the clauses of the Bill, have been kept very safe. Broadly speaking, the provisions relating to employees of Burmah Shell are covered in Chapter-III of the Bill. In terms of the provisions contained in the Bill every whole-time officer or other employee of Burmah Shell who was before the appointed day employed by Burmah Shell in India or on deputation outside India shall on the appointed day become an officer or other employee of the Central Government or the Government company in which the rights title and interest of Burmah Shell in relation to its undertakings in India have vested, subject of course to the overall position of the Government when an undertaking is taken over as to what modifications are going to be effected with regard to its expansion or retrenchment or other things. All in all, therefore, we consider the transaction we have agreed upon or decided upon is very much in favour of the nation. I would, therefore, very strongly commend the Bill for adoption by this House.

MR. DEPUTY-SPEAKER: Motion moved:

“That the Bill to provide for the acquisition and transfer of the right, title, and interest of the Burmah Shell Oil Storage and Distributing Company of India Limited in relation to its undertakings in India with a view to ensuring co-ordinated distribution and utilisation of petroleum products distributed and marketed in India by the said company and for matters con-

nected therewith or incidental thereto, be taken into consideration."

MR. DEPUTY-SPEAKER: Shri S. M. Banerjee.

SHRI S. M. BANERJEE (Kanpur): Sir, Mr. Raja Kulkarni's amendment was to have come on Monday according to Schedule. Unfortunately, Mr. Raja Kulkarni is not present here now. Unless these amendments are moved by someone, they cannot be discussed. I know Mr. Raja Kulkarni would have been definitely here and he would have moved the amendments.

MR. DEPUTY-SPEAKER: Who will move the amendments now?

SHRI S. M. BANERJEE: The Minister can move them or I can move if you give me permission.

MR. DEPUTY-SPEAKER: You go on with your speech.

SHRI S. M. BANERJEE: I have the difficulty....

MR. DEPUTY-SPEAKER: I understand your difficulty but I have to go by the rule.

SHRI S. M. BANERJEE: Mr. Deputy Speaker, Sir, I congratulate the hon. Minister for bringing this legislation before this House, though his action was delayed. But there is no denying the truth that it is the most appropriate action that Government has taken. The day is fast approaching when Caltex and other Oil companies like Assam Oil Company will also be taken over by the Government. Sir, he has already mentioned about this during the course of his speech. Before I come to the clauses. I want to know what is the total amount of profit which the Central Government is going to take for 1975, because clause 4(2) says:

"The profits earned by Burmah Shell in relation to its undertakings in India from the 1st January 1975 shall be payable to the Central Government."

I say this particularly because they are going to pay Burmah Shell an amount equal to Rs. 27.75 crores. Clause 8 also says:

"(2) Taxes, if any, payable in India by Burmah Shell by reason of the payment of the amount specified in sub-section (1) shall be paid by the Central Government to Burmah Shell in Indian currency...." etc.

In accordance with the Supreme Court judgment, we do not pay compensation but we pay amount. Why are we paying such a big amount? What is the break-up? If something has to be paid, let us pay just some token amount. This foreign oil company has bled our country white. So, I want to know whether this amount cannot be reduced. When general insurance companies were taken over, we put the same question to Mr. Chavan, the then Finance Minister as to why such a huge amount was paid, but he could not explain. When such a huge amount is paid, the very purpose of nationalisation is defeated. This company has disposed of much of its plant and machinery. According to the *Economic Times* of 6th November 74, in 1969 many giant-seized tanks and the entire arrangements were sold to Hindustan Oil Storage & Distribution Co. Ltd. In 1972 the Benzene section of the company and 7 big lathes were sold at lower prices. In 1974, a Burmah Shell spokesman said in Trombay that certain installations and equipments, were transferred. This is all within the knowledge of the Minister. He also spoke in this House about it. The moment they visualised that they could not remain in the country for long because the public opinion was so much against them. in a very systematic and sustained manner they started repatriating maximum profits, with or without the knowledge of the government. These foreign companies always do that and when they leave the country, they leave behind nothing but junk. But in the case of Burmah Shell, I congratulate the Minister. Had Mr. Malaviya remained the Minister in charge throughout, things would have been different. But

[Shri S. M. Banerjee]

unfortunately any Minister who takes a progressive decision is either transferred to a different ministry or is retrenched. So, I do not blame the Minister and I admire the courage of his conviction. I wish him good luck.

What about the take-over of Caltex and AOC? We understand negotiations are going on in New York.

AN HON. MEMBER: New York?

SHRI S. M. BANERJEE: That is what is reported in the papers. Some officer will go to New York to negotiate. I do not know what is in store for us and what big amount we are going to pay to them! Even if it is in India, we do not want to negotiate. We should negotiate so that the ultimate gain is ours and not theirs. We should not have a soft corner for these foreign companies because they have fleeced the maximum profit from our country. With these words, I would like to support the Bill.

Now coming to the amendments, I would like to say something on the amendments sought to be moved by my hon. friend, Shri Raja Kulkarni. On page 2, line 30, he says, after "India" insert "as well as dues to be paid arising out of any settlement, award or decision in industrial disputes pending on the appointed day in respect of workmen or disputed categories of workmen in its undertakings." When he says that all the workers will be taken over, then this is the safety which is given to the workers. All the workers should be defined, in any capacity—permanent, temporary or casual. Otherwise, what will happen is that the interest of casual workers will not be safeguarded. All employees who are on the rolls on a particular date should be taken over.

May I now invite your attention to page 5, line 5 where after "Shell" you have simply to insert "in any capacity—permanent, temporary or casual". This is the most harmless amendment I have seen in my life. Such an

amendment was accepted when the Bill for taking over of 103 sick textile mills was passed. So, this amendment of Shri Raja Kulkarni should be accepted to safeguard the interest of the workers. Let Mr. Malaviya take this amendment in his own name, we do not mind. I am sure, Mr. Malaviya should have a heart and he will accept these amendments as his own.

With these words, I support the Bill.

श्री राम सहाय पाँड : (राजनन्दगांव)
उपाध्यक्ष जी, आज का दिन बड़ा शुभ है कि बर्मा शैल कम्पनी के राष्ट्रीयकरण की घोषणा मालवीय जी ने की। मालवीय जी का नाम तेल के इतिहास से बाबस्ता है। जब भी स्वतंत्र भारत का इतिहास तेल से जोड़ा जायेगा, उसने एक्सप्लोरेशन से जोड़ा जायेगा, कंपनी के राष्ट्रीयकरण से, उसके ड्रिलिंग और खुदाई तथा जांच-पड़ताल से जोड़ा जायेगा तब मालवीय जी का स्मरण होना। यह फारिन कंपनी इंग्लैंड में रजिस्टर्ड थी। उसके प्राफिट की जगलरी, क्रूड आयल की परचेज, क्वैंटम और प्राइस का आज तक पता नहीं चला। यह कंपनी बड़ा सीक्रेट एकाउन्ट मेंटेन करती थी। यह अन्दाज नहीं कर सकते हैं कि इन दिनों, या जब से इस कंपनी का एस्टैबलिशमेंट हुआ है, तब से कितने करोड़ रुपया इस देश का बाहर गया है।

श्री मालवीय जी जब से मंत्री बने, उन्होंने बड़ी डिवोशन और दीवानगी के साथ यह अनुभव किया कि तेल हमारे यहाँ है लेकिन उसके एक्सप्लोरेशन के लिए ड्रिलिंग मशीन की जरूरत है। उन्होंने बड़े-बड़े देशों को एप्रोच किया। वह अपने उत्तर में बतायेंगे कि अमरीका और इंग्लैंड जैसे देशों को भी उन्होंने एप्रोच किया मगर उन्होंने हैवी ड्रिलिंग मशीन लेने के लिए अपनी टर्म्स और कंडीशन्स बताईं जब कि रशिया और पूर्वी यूरोपीय देशों ने इसमें सहयोग देने की कोशिश की। ये लोग अपन जहाज से तेल को पोर्टेगलियालीटी

का पता लगाने की कोशिश करते थे। 1965 में बर्मा शैल का जहाज लेडी ग्लोरिया पोर्टेणियैलिटी का पता लगाने की कोशिश कर रहा था। उनको पता चला कि ब्रम्बई हार्ड में तेल की पोर्टेणियैलिटी है। इसके बाद कच्छ में भी तेल का पता चला है और काश्मीर में भी चल रहा है।

इस देश की विपुल सम्पदा धरती के नीचे पड़ी हुई है, लेकिन आज तक हम पराधीन थे। हमें इन बात का अवसर नहीं मिला कि हम उसका पता लगाते। सोने की तरह तेल दुनिया की इरुनामी का वैरो मीटर है। जैसे ही उसकी तरफ हमारी तबज्जह गई

MR. DEPUTY-SPEAKER: What are you talking about? I thought you were giving us a learned speech on the history of oil exploration in this country.

श्री राम सहाय पांडे : लेडी ग्लोरिया ने पता लगाया कि

MR. DEPUTY-SPEAKER: The name is very attractive.

श्री राम सहाय पांडे : वे लोग बड़ी चालाकी और होशियारी से हमारी छाती पर बैठे हुए थे। वे तेल मंगाने थे, लेकिन उस की प्राइस नहीं बताने थे, रिफाइनरी की कास्ट नहीं बताने थे और हमें एक्सप्लायट करते थे। वे अपने प्राफिट इंगलैंड भेजते थे। पता नहीं, आज तक उन्होंने हमारा कितना एक्सप्लायटेशन किया है।

बर्मा शैल ने अपने जहाज के द्वारा आयल की पोर्टेणियैलिटी के बारे में जो सूचना प्राप्त की, उसको उसने हमारे देशों को बेच दिया। जब हमने अमरीका और ब्रिटेन से ड्रिलिंग मशीनों के बारे में नेगोशिएट किया, तो उन्होंने कहा कि आप किन कन्डीशन्ज पर तेल की खोज आदि करेंगे। उन्होंने यह भी कहा कि आप थोड़ी मात्रा में शेरर रखिये।

इस मौके पर मैं रूस सरकार को धन्यवाद देना चाहता हूँ कि उस ने हमें ड्रिलिंग मशीनें दीं। मंत्री महोदय ने अभी कहा है कि कूड आयल की प्राइस के बारे में नेगोशिएशन्ज चल रहे हैं, और कोई प्राइस तय होगी। मैं यह जानना चाहता हूँ कि सरकार जो प्राइस फिक्स करेगी, और बाहर जो प्राइस होगी, उन में कितना डिफरेंस होगा।

MR. DEPUTY-SPEAKER: Please come to the Bill now. Negotiations with foreign countries about oil exploration in this country are not part of this Bill. Come to the bill now. What have you got to say about the Bill?

SHRI R. S. PANDEY: It was part of the discussions.

MR. DEPUTY-SPEAKER: I think we are discussing the Bill, There has to be a limit. I have listened to you patiently. We are not talking about crude oil and all. Have you read the bill?

SHRI R. S. PANDEY: No; crude oil not with outside, but with Burmah-Shell.

MR. DEPUTY-SPEAKER: I have to call you to order. I have to call you to the relevancy of the discussions. Please cooperate.

SHRI R. S. PANDEY: I will prove my relevancy. Negotiation is going on involving Rs. 37 crores.

MR. DEPUTY SPEAKER: With whom?

SHRI R. S. PANDEY: With Burmah-Shell.

MR. DEPUTY SPEAKER: Negotiation with Burmah-Shell? I thought you had finished with all that, so that you have now come to the House with the Bill.

SHRI K. D. MALAVIYA: Perhaps the hon. Member is referring to an arrangement, an overall arrangement

[Shri K. D. Malaviya]

that we propose to make with Burmah-Shell with regard to the supply of crude oil—that may have to be given by them or may not have to be—after the refinery has been taken over. One of the provisions is that we will try to have an overall agreement with them—if we agree—as they are willing to supply upto, i.e. from 0 to 25 million tonnes of crude oil, in the present days of scarcity of crude oil, provided the price and the quality are agreed upon. This is one of the clauses of the proposed crude oil supply Agreement.

SHRI R S. PANDEY I hope you have understood the relevancy. Since the negotiation was going on with regard to the question of crude oil and the price is going to be fixed, may I know the landed cost of the crude oil which you are importing; and what would be the difference? This is the simple question I would like to put the question through you, Sir, to be replied to by Malaviya Ji.

हम यह पूछना चाहते हैं कि अब तक जितना प्राफिट बर्मा शेल का यहा से बाहर गया क्या उस की कोई इन्फार्मेशन आप के पास है? यदि है तो क्या इन्फार्मेशन है? या आप कहिए कि नहीं बता सकते हैं, वह दूसरी बात है। हमारे देश में बर्मा शेल ने इतने सालों में हर साल कितना प्राफिट किया यह हम जानना चाहते हैं हालांकि आप ने बड़ी होशियारी की कि 37 करोड़ के कम्पेन्सेशन में से 25 माल का 11 करोड़ का प्राफिट घटा लिया इस के लिए हम आप को मन्तव्य देना चाहते हैं।

अतः मैं यह पूछना चाहता हूँ कि आप ने बताया 30 प्रतिशत हमारी रिक्वायर्मेंट इस से पूरी हो जाती है तो 70 प्रतिशत की रिक्वायर्मेंट जो हमारी रह जाती है वह कितने वर्षों में पूरी हो जायगी? आप कहेंगे कि यह इस में रैलिवेट नहीं है लेकिन मैं मालवीय जी से जानना चाहता हूँ उन्होंने एक्टेलिविजन इटरेव्यू में यह कहा है कि 5 वर्ष में हमारा देश स्वावलम्बी हो जायगा तो इस संबंध में सही स्थिति क्या है? इस से बर्मा शेल से

ताल्लुक नहीं है, लेकिन तेल से तो ताल्लुक है, हमारी एकोनामी से तो ताल्लुक है, हजार करोड़ रुपया जो हमारा इस पर खर्च होता है हर साल उसे बचाने के लिए हम क्या कर रहे हैं? हम कितने वर्षों में सेल्फ सफिशियेट हो जाएंगे? यह रुपया बचाने के लिए आप क्या करने जा रहे हैं?

Since oil is the barometer of the development of any country, we want to know whether in five years' time we are going to save that amount and, if so, how. I want to know whether we are going to have more Sagar Samrat to explore oil and thus make our country self sufficient. I hope this is relevant.

श्री मोहम्मद इस्माइल (बैरकपुर)

जहा तक बर्मा शेल के टेक ओवर का ताल्लुक है हम इस को सपोर्ट करते हैं। यह काम पहले ही हो जाना चाहिए था लेकिन नहीं हुआ। अब देर में मही यह चीज हो रही है और हम इस को सपोर्ट करते हैं। पाडेय जी मालवीय जी के व्यक्तित्व से इस का ताल्लुक बताना चाहते हैं। मैं इस बिल के बारे में दो तीन बातें आप के माध्यम से रखना चाहता हूँ।

पहली बात तो यह है कि आज डेढ़ वर्ष से मीक्रेटली यह निगोशिएशन चल रहा था, बातचीत चल रही थी। बातचीत किम आधार पर चल रही थी यह हमें मालूम भी नहीं देश के लागा को मालूम नहीं हम में से किसी को मालूम नहीं। इस बिल को पढ़ने से यह मालूम होता है कि सब चीज पोशीदातौर पर की गई है, लोगो से बचा कर तमाम बातों की गई है और उपर से यह बताया गया है कि हम डम विदेशी कम्पनी को नेशनलाइज करके जा रहे हैं। ऐटी मोनोपली की जो पालिसी है उस को डम के अदर बचाने की कोशिश है। डम बिल को जैसा मैं ने कहा डेढ़ वर्ष के मीक्रेट निगोशिएशन के बाद पेश किया गया है लेकिन इस के अदर न तो कही ऐटी मोनोपोलिस्ट पालिसी दिखाई पडती है न जो इजारेदार लोग हैं उन के खिलाफ कही कोई कदम उठाया

गया है, यह जाहिर होता है न इसमें मल्टी परपञ्च कारपोरेशन जो हमारे देश में छापा मार कर बैठे हैं और बढ़ रहे हैं उन के खिलाफ कोई बात इस से जाहिर होती है ।

दूसरा प्वाइंट मैं यह रखना चाहता हूँ कि आप जानते हैं इम कम्पनी को 27 करोड़ रुपये हरजाना के तौर पर दिया जायगा । हमारे देश के गरीब लोगों का पैसा इस को दिया जायगा और वह भी पाउंड स्टर्लिंग में दिया जायगा, हमारे रुपये में नहीं । उन का जो मल्टी नेशनल कारपोरेशन है उन के जो टम्स हैं उसी के आधार पर पैसा दिया जायगा यह बात इस में है ।

इसके साथ साथ इसमें यह बात भी है कि चार वर्ष में उनको पैसा अदा करना होगा साथ ही साथ उनको सूद भी दिया जायेगा । चार वर्ष में जो सूद की रकम है वह भी 6 करोड़ रुपए से कम नहीं होगी । 38 लाख पाउंड स्टर्लिंग उनको हर साल देना होगा सिर्फ इन्ट्रेस्ट के तौर पर । कुल 6 करोड़ के करीब पया होना है । इम तरह से आप उनको हर्जाना भी देंगे और सूद भी देंगे । चार साल में इम तरह से आप हमारे देश का पैसा खर्च करेंगे । उमलिए मैं कहना हूँ कि पोशीदा तौर पर देश के मामने इम बात को न रखकर जो आप कर रहे हैं वह ठीक नहीं है । यह जो विदेशी मरमाया है, उन कम्पनियों को हम चलने देना नहीं चाहते हैं । आप जो कहते हैं कि हम ऐन्टी मानोपोलिस्ट हैं और हम अपने पैरों पर खड़े होना चाहते हैं उमका पता इस बात में ही चल जाता है । क्या उमका यही तरीका है ? आज में नहीं पहले जब आपने ताल्लुकदार कमेटी बनाई थी उमने यह जानने की कोशिश की कि कितने दाम पर क्रूड आयल खरीदते हैं और फिर तेल बनाकर किस दाम पर बेचते हैं लेकिन आज भी सरकार उसका पता नहीं लगा पाई है । उस कमेटी

के सामने कोई रिकार्ड पेश नहीं किए गए । रेफ्यूज किया गया कि हम पेश नहीं करेंगे । हमारी सरकार बातों तो बहुत लम्बी लम्बी करती है लेकिन बर्मा शेल कम्पनी पर कोई पाबन्दी नहीं लगाई गई । आज तक न तो सरकार जान सकी और न इस देश के लोग जान सके । इस कम्पनी ने 10 रुपये में क्रूड खरीदकर 20 रुपए हमसे वसूल किए, इस तरह से करोड़ों रुपए बनाये लेकिन असल में क्या दाम था उसका पता नहीं चला । पांडे जी ने कहा कि लोग अमरीका गए, दूसरी जगहों पर गए लेकिन पता नहीं लगा सके । मजूमदार कमेटी भी पता नहीं लगा सकी । बावजूद इन सब बातों के आज उस कम्पनी को 27 करोड़ रुपया हर्जाने के तौर पर दिया जा रहा है जो कि चार साल में अदा किया जायेगा । मंत्री महोदय ने अपने वक्तव्य में दिया है कि उनको हम इतना देंगे, इस बात की तफसील से बताया है । उन्होंने यह साबित करने की कोशिश की है कि हम कितने शरीफ हैं, हमारे देश की सरकार कितनी अच्छी है कि इतना लूटने के बाद भी जाते समय हम गठरी बांध कर दे रहे हैं । सिर्फ गठरी ही नहीं दी है, उसके ऊपर और भी कुछ दिया जायेगा, साथ में सूद भी दिया जायेगा । फिर जो कुछ दिया जायेगा वह हमारे रुपए में नहीं दिया जायेगा बल्कि पाउंड स्टर्लिंग में दिया जायेगा । इम तरह में हमारे देश का फारेन एक्सचेंज खर्च किया जायेगा । मैं पूछना हूँ इस तरह में इस देश को और इस सदन को अंधेरे में रखकर, देश को बिना कुछ बनाये हुए इम देश के गरीब लोगों का पैसा बर्बाद करने का आपको क्या अधिकार है ? ऐसी हालत में आपके मुह से यह बात शोभा नहीं देती कि हम एन्टी मानोपोलिस्ट हैं, हम मल्टी नेशनल कारपोरेशन के खिलाफ हैं । आप बातें बड़ी बड़ी बोलते हैं लेकिन हाथी के दात दिखलाने के और और खाने के और हैं । आप की यह दो नीतियां नहीं चल सकती हैं । आपको साफ तौर से क्वियरकट पालिसी देश के सामने रखनी चाहिए ।

[श्री मोहम्मद इस्माइल]

एम्पलाइज के बारे में आपने कहा है उनको फुल गारन्टी दी गई है, वह गवर्नमेन्ट एम्पलाई समझे जायेंगे लेकिन उनको कोर्ट तक में जाने का अधिकार नहीं रखा गया है। यह बात आपने चैप्टर (3) में दी है

"Notwithstanding anything contained in the Industrial Disputes Act 1947, the Payment of Gratuity Act, 1972 or in any other law for the time being in force, the transfer of the services of any officer or other employee under sub-section (1) shall not entitle such officer or other employee to any compensation or gratuity under those Acts or such other law and no such claim shall be entertained by any court tribunal or other authority"

अगर आप ने उन के तमाम अधिकारों को रोक दिया है। वह कोर्ट तक नहीं जा सकते हैं। बर्मा शैल में ग्रेचटी ज्यादा मिलती थी, तनख्वाह ज्यादा मिलती थी और फ़ैसिलिटीज ज्यादा मिलती थी अब वह मुविधाये उन को यहाँ मिलेगी कि नहीं इस का कोई जिक्र इस बिल में नहीं है। उन्हे यह कह दिया गया है कि जहाँ चाहेंगे ट्रांसफर कर दिया जायगा जो तनख्वाह दी जायगी वही लनी हांगी। और अगर किसी को इन के बारे में कोई शिकायत है तो वह कोर्ट में नहीं जा सकता। मीस। मे पक्के जाओ तो कोर्ट में नहीं जा सकते अगर ग्रेचुटी काटो जाय तो काट में नहीं जा सकते। इस तरह से आप न लागू का ब्रेक्स कर दिया है। आप न कहते हैं कि तमाम कन्वेंशिया का ल लेगे, अधिकारी जो विदेशों में हैं उन का भी बूला लेगे और एक दफा जाइन करने के बाद एक एक की खबर नी जयगी। पहले घस तो जय पिजडे में फिर खबर नी जयगी। मेरी मांग है कि आप को बताना चाहिये कि जो मुविधाये पहले मिलती थी उन की गारन्टी रहेगी कि नहीं वह कर्मचारी चाहें केजुअल हो या टेम्पोरेरी हो उस को वही मुविधाये मिलती रहेगी कि नहीं इस का कोई जिक्र

इस बिल में नहीं है, जो कि होना चाहिये था। यह नहीं होना चाहिये कि दिल्ली के भादमी को मद्रास भेज दिया जाय और मद्रास वाले की कहीं और भेज दिया जाय जो जहाँ है वही रहना चाहिये। रेलवे में ट्रांसफरबिल पोस्ट होती है, लेकिन हम देखते हैं कि सजा के तौर पर लोगों का तबादला किया जाता है। यह नहीं होना चाहिये। अब दिल्ली वाले को आप मद्रास भेज दे, न वहाँ की जवान वह समझता है, खट्टा खा कर उस का पेट ही खराब होगा। इसलिये आप का तमाम चीजों की गारन्टी देनी चाहिये।

तान्त्रिकदार कमेटी ने क्या फैसला किया ? और जो कूड आयल सन्ते में खरीद कर महेगे पर रिफाइन कर के बेचते थे उस के बारे में बर्मा शैल ने अब तक क्यों नहीं बताया। यह बातें जानने के लिये आप ने क्या स्टेप उस कम्पनी के खिलाफ लिया ? मेरी मांग है कि जब तक इस का पता न लग जाय कि कूड आयल कितने पर खरीदते थे उस वक्त तक कोई मुआवजा न दिया जाय। तमाम हिसाब आप को लेना चाहिए। यह कम्पनी करोड़ा रुपया हमारे देश से ले गई है। अगर आप ऐसा नहीं करोगे तो उस का मान यही होगा कि आप सब चीज कम्पनी के फायदे के लिये ही कर रहे हैं और देश के लोगों को गलत समझाने की कोशिश कर रहे हैं। कल ही माननीय पांडे जी लोगों के सामने कहेंगे कि हमने सब को अपन हाथ में कर लिया। वह सब खा कर भाग गये, आप के हाथ में तो केवल नगोटी ही लगी। आप के लिये नीचे का कचड़ा छोड़ दिया उस को आप खाइये। इसलिये यह कहना कि हम अपने पैरों पर खड़े हैं सही नहीं है। मेरा तो कहना है कि आप उन के इशारे पर खड़े हैं। आप का यह कहना कि हम ऐंटी मोनोपलिस्ट हैं, ठीक नहीं है। काम छोटा और बातें बड़ी बनाना आप बन्द करे। मुझे उम्मीद है कि जो बातें मैंने कही हैं शही महोदय उन का जवाब देंगे।

SHRI CHAPALENDU BHATTACHARYYA (Giridih): Mr. Deputy-Speaker, Sir, we welcome the Bill for its astute timing and we also appreciate the tour 'd' horizon to which we were treated by Shri Malviyaji, Minister for petroleum. In the course of his speech, he not only went broadly over the clauses but also gave a backdrop which compelled us to consider taking over the Burmah Shell Refinery, its depots and storage, marketing and ancillary installation facilities.

The international price of crude oil, the differential price at which the Burmah Shell was purchasing and selling the necessity of a middle-man or a go-between, the promise of Bombay High and other off-shore and on-shore exploration, the versatile character of the Refinery of Burmah Shell which has necessitated its taking over because with the promise of Bombay High, possible shortfall in refining capacity in the next 2-3 years, all these things were highlighted by the Minister. In fact, we have complaint against him that he has tackled the subject from all angles, leaving us little or nothing to speak on though we congratulate him for all that.

The quantum of compensation of Rs. 27.75 crores may sound too high. But the Burmah Shell has been the oldest Company operating in India with more than 3000 retail outlets, with their refinery and depots, and it has a well-developed logistic supply of its crude and products. There are other products also which are equally profitable and more so than petroleum. So, from all these angles, this quantum of compensation is not too high a price to pay. We can certainly take over anything for once without paying any compensation. But the compromise always pays. One-time taking over has always opened up a path bristling with difficulties, pitfalls and even dangers for other nations during the last 50 years. From a broad point of view, the compensation that has been proposed in this Bill is reasonable.

Secondly, I am happy to see that there has been pay protection and service protection for the employees. I agree with one suggestion made by my hon. friend, Shri S. M. Banerjee, from the Opposition that once it is taken over, the question of power equation starts its play inside the newly-found company and, as a result of this, many of the low income employees, low cadre employees, suffer most. You can always discipline or bring any of these employees to heel by long-distance transfer, as was urged by the hon. Member who preceded me. I hope, with wise leadership, direction and guidance of Shri Malviyaji, this will not materialise and the employees will feel as happy if not more, as they were after the taking over and nationalisation of this Company.

Sir, I can understand that, on such a take-over, there will always be an attack on the provisions of the Bill from the Rightists and the Leftist interests but, unfortunately, the extreme Left also joins in such attacks and somehow combines, although from different angles and with widely differing motives. The main issue and the main feature of the present scene is that we are on the eve of a breakthrough in production and in exploration of oil. While our economy was rocked very badly during the last two years and a half because of the four-fold or five-fold escalation of crude oil price, if we can at long last eliminate the imbalance of economy resulting from the high price of crude oil, I think we shall have done lasting good to the economy of this country.

One point remains. Just now our production is 4.5 million tons. There was stagnation for an interregnum between the late Fifties and the early Seventies and for that, we had to pay through our nose a thousand to twelve hundred crores of rupees annually in scarce foreign exchange. Now we also happy to see that while our Natural Gas Commission is going to step up its activity—it was Rs. 80 crores or so and now it is Rs. 200 crores and it may be 400 crores in the course of

[Shri Chapalendu Bhattacharyya]

another two years—I think that, with this taking over of Burmah Shell all the parts or components of the new policy which has been enunciated and the new dynamism which has been shown by the Minister for Oil, at long last, we are within sight of turning the corner in the Indian economy.

SHRI ERASMO DE SEQUEIRA

(Maruagor) Mr. Deputy Speaker, Sir, it is good thing that Government is implementing its announced policy of taking over the oil exploration and distribution in this country. This is something for which there has been a long-standing demand and although, as usual, Government is fairly slow, we are happy that at least it has begun to implement the policy it had announced. I don't want to sound like a 'spoilsport', but I find it my duty almost everyday in the House not to register a protest against the manner in which this House is being taken for granted. As you all know, it is our duty in this House to superintend the disbursement of public money; but if you look at this Bill, Government comes forward and says to us that 'we want to acquire Burma Shell and we are going to pay a price of 2757 crores' but not a word is said about how this figure was arrived at and what are the assets to be taken over; not a word is said about what profits are going to accrue to Government from the take-over of these assets; not a word is said about how interest at 8 per cent net of tax was decided upon. The figure is quite large. On 30th March, 1977, we are going to pay Burma Shell \$1513000 free of tax. What would have been the position if this interest was charged to tax? It is a question of remittance of foreign exchange. If Burma Shell is going to receive interest, surely it should be subject to the tax normally payable on that remittance, so that the outgo of foreign exchange is reduced? That is the law of the land. I can understand repatria-

tion of the value of assets. But the provision about freedom from tax in remittance, I cannot understand at all.

Let us take the other thing. Compensation is payable over a period of only five years, that is, from 1975 to 1980. We all know that there have been many cases in the world, in other countries, where similar take-overs have taken place, may be of oil companies or of copper mines or of other productive enterprises owned by foreign companies, by multi-nationals. Surely when a proposal like this is brought forward before the House, it would be the duty of the Government to inform the House about how the payments that we have decided upon, the interest that we are paying and the time in which we are paying compare with the manner in which these other take-overs internationally have taken place. Without such information, how are we in this House to judge whether Government has acquired something worthwhile or not, whether Government has acquired it for a price which is reasonable or whether Government has sold out the interests of this country to a foreign company. I am not saying that it has. I am only saying that, with the information that has been provided to me and to this House today, I have not the foggiest idea. I had raised this even before the alleged Emergency, it was when the textile mills were taken over, and I have requested the Rules Committee to go into this and set some standard about what information should be provided to the House in the case of such take-overs. If we want this House to have any meaningful discussion, we must have some information on which we can judge.

I fully support that, once this enterprise is taken over, the interest of every single workman working for it, whether temporary or casual, should be fully protected. And I would strongly urge the Minister to accept or to come forward with a simple amendment making this clear beyond any shadow of doubt. I am not sug-

gesting that it is not his intention. What I am saying is that, one the law is passed and once it goes for implementation, we know from past experience that it is the letter of the law that is followed and not any assurance that is being given to the House. In section 9 here, the interests of even employees who are not citizens of India have been safeguarded. Having done this much, what is the difficulty about putting in an extra sentence to ensure that the continuance in service of everybody who is today working for *Burmah Shell* and also his income will be protected?

SHRI K. D. MALAVIYA: It is there—'other employees'.

SHRI ERASMO DE SEQUEIRA: As I read, it is not there. I would request him to look into it. If it is guaranteed even generically, let us make it specific and clear; let us not leave any doubt. It does not look that way to us. I would request the minister to look into it again.

One more point I wish to make, and that is the fact that, as the hon. Minister knows—I think, he will admit it—the oil companies exploited not only the consumers in this country but, in many ways, the large net work of small dealers. Everybody knows that the margins that are available to the dealers are very very small, pitifully inadequate, since the rise in the price of petroleum products, the through-put has been reduced substantially and is very difficult today for a petrol pump operator in this country, specially in smaller places in rural areas, to keep body and soul together. Now that Government is going, increasingly, into distribution of petroleum products, I would suggest that they should increase the margins of petrol pump dealers and make sure that they are given an adequate return for the very necessary service that they perform throughout the country.

श्री शशि भूषण (दक्षिण दिल्ली)

उपाध्यक्ष जी, इस विदेशी कम्पनी का अधिग्रहण करने के लिये मैं श्री मालवीय जी को सुधारकवाद देना चाहता हूँ। हम समाजवाद की ओर बढ़ रहे हैं, यह उसी दिशा में एक और कदम है। विदेशी कम्पनियों से जितनी जल्दी छुटकारा मिले, उतना ही मुनासिब है। श्री संकेरा ने भी कहा है कि इसका अधिग्रहण किया गया है, यह अच्छा हुआ है, लेकिन वह पूछना चाहते थे कि इससे फायदा क्या हुआ है? एक विदेशी कम्पनी है जो पेय पदार्थ बनाती है, उसका थोड़ा यह भी व्यापार करते हैं—कोकोकोला उसको भी कल लिया जायेगा। जिन से लिया जायेगा उसको भी कुछ न कुछ कम्पैशन देंगे। इसलिये इस कम्पनी को कम्पैशन दिया गया है।

बर्मा शेल ने भारत में आ कर जो पूँज, लगाई, उस का कितना परसट वे बाहर ले जा चुके हैं, यह बताना मुश्किल नहीं है। सरकार के डिपार्टमेंट और मिनिस्ट्रीज यह सूचना दे सकते हैं और इस लिये यह सूचना देनी चाहिए।

इस बारे में मैं एक उदाहरण देना चाहता हूँ। मैं दिल्ली का रहने वाला हूँ। यहाँ कनाट प्लेस में बर्मा शेल की एक बहुत बड़ी बिल्डिंग थी। उन्होंने उस को हिन्दुस्तान के सब से गरीब आदमी—बिड़ला जी को बेच दिया है। उस की सिर्फ जमीन की कीमत कम से कम पचास लाख रुपये है। उन्होंने वह बिल्डिंग कितने में बेची है, यह पता नहीं है। इस के लिए हिन्दुस्तान में कितना पैसा दिया गया और विदेश में कितना पैसा दिया गया, यह भी पता नहीं है। इस लिये इस बारे में जाँच की जानी चाहिए। कोई कह सकता है कि यह उन की अपनी जायदाद थी, वे बेच सकते हैं। लेकिन यह नहीं हो सकता है। इस स्थिति में इस मामले की जाँच कराई जानी चाहिए। अगर कोई साधारण

[श्री शशि भूषण]

प्राप्त की कोई मकाम लेता है, तो उस को डिक्लेयर करना पड़ता है। इस लिए गरीब प्राप्त की—बिड़ना—को भी इस खरीद के बारे में डिक्लेयर करना चाहिए। अगर सरकार उस बिल्डिंग को ले ले, तो उस को कम से कम सो गुना फायदा होगा।

अन्य विदेशी कम्पनियों की भी सारे देश, में, कलकत्ता, बम्बई आदि सब नगरों में, बड़ी बड़ी जायदादें हैं। दुर्भाग्य की बात यह है कि इन विदेशी कम्पनियों की जायदादों को बेचने के लिए एक विदेशी कम्पनी को ही लाइसेंस मिला हुआ है। उससे भी उनकी जो प्राधिकृत होता है, उस को वे बाहर लेजा सकते हैं। हिन्दुस्तान का कोई छोटा मोटा व्यापारी यह भी नहीं कर सकता है कि किसी विदेशी की दकान या मकान को बेच सके। उस के लिए भी एक विदेशी कम्पनी चाहिए, ताकि अंडरहैड डीलिंग हो सके। हमारे यहां के लोग कम अंडरहैड डीलिंग करते हैं, इस लिए वे लोग अपने लोगों पर ज्यादा विश्वास करते हैं। इस मामले की जांच की जानी चाहिए।

सरकार ने अभी 27 करोड़ रुपया कम्पेंसेशन देना है। हम तो फ़ेयर डीलिंग करते हैं। ज़िम्मा जो बने, वह ले जायें। लेकिन इस कम्पनी ने यह जायदाद बेच कर जो अंडरहैड डीलिंग की है, उस की अवश्य जांच करनी चाहिए। इस में सरकार का ज़िज्जतना निकले, वह जरूर ले लेना चाहिए। बर्मा शेल के डायरेक्टर कोई गरीब नहीं है। उन को फर्क नहीं पड़ेगा। मैं समझता हूँ कि सरकार ने इस कम्पनी के साथ कोई लम्प सव डीलिंग नहीं की है। उस ने मुडबिल नहीं ली है। बर्मा शेल को कोई मुडबिल नहीं है। हमारी दृष्टि में विदेशी कम्पनियों की कोई मुडबिल नहीं है, दूसरों की निगाह में ही सकती है। इस कम्पनी की ब्रुक वैल्यू तो बहुत कम होगी। इस लिए इस मामले की जांच कराई जानी चाहिए।

यह बिल बहुत आवश्यक है। बाकी जो और कम्पनियाँ बच गई हैं, उन का भी जल्दी राष्ट्रीयकरण किया जाना चाहिए। मंत्री महोदय अपने ही देश में बहुत जल्दी इतना पेट्रोल निकालने की व्यवस्था करें, ताकि हम अपने पैरों पर खड़े हो सकें और हमें चुनाव इतना महंगा न पड़े तथा हम आसानी से चुनाव लड़ सकें।

DR. HENRY AUSTIN (Ernakulam):
Mr. Deputy-Speaker, Sir, as I begin to speak on this Bill, my mind goes back to the early sixties when the present Minister for Petroleum visited my constituency and when I, as General Secretary of the Petroleum Workers Union presented, in a reception according to him, a memorandum demanding the early Nationalization of these foreign firms. I am very glad and I pay a tribute to the hon. Minister for implementing the demand then raised by the workers working in the Petroleum industry

15 hrs.

[MR. SPEAKER in the Chair]

If we see the origin and development of this Company along with other similar companies like Esso, which was formerly called Standard Vacuum Oil Company, or Caltex and other companies, we will find that these foreign companies have earned crores and crores of rupees by way of repatriation of profits and they have drained the country and bled it white while those who have been working in this field, who have been serving the country, serving the people, have been ruining their health by working in this particular industry. Some of us have made certain enquiries and investigations have found this one thing. Each of these companies, that is, Burmah Shell, Caltex, ESSO etc., had been also partners of large cartel firms outside and in this deal they have been making huge profits. That means, for every consignment of crude imported and refined in Bombay or elsewhere, they had been making huge

profits and this is over and above the normal profits that they were making. I am afraid this aspect of the situation that has not been taken into account. I am not sure whether that aspect of the situation is taken into account by the hon. Minister in calculating the compensation to be paid. What I mean is this. Over and above the profits made over the decades by these companies, they have been making further profits by way of manipulation outside by these companies and other companies in the purchase of crude and by way of manipulations of price structure etc. etc. So, if you take into account all those surreptitious transactions, I am not sure whether this amount settled reflects the justice involved in the transaction.

Well, that apart, I congratulate the hon. Minister for piloting this Bill. When he became a Minister, at that time, he assured us that it shall be one of his main objectives, to see that this sensitive segment of our national economy would be brought under national control. Much water has flown under the bridge since then. Petroleum prospecting, refining and distribution and all these things are very vital to us now, because, in view of the very explosive situation now prevailing in the middle-east and in view of the general international-situation, we have got to be self-sufficient in petroleum production. And, unless we have absolute 100 per cent control of prospecting, refining and distribution of these things, I do not think we will realise our quest of self-reliance. And so, today, this bill will mark an important milestone in our quest for self-reliance in our economy, and I congratulate the hon. Minister once again.

In this connection, I would like to place before you certain problems being faced by the Petroleum workers. You know, I have along with some other friends, been serving their cause for long. If you examine the situation you will find that most of these workers contract heart and lung diseases.

These foreign companies have been so careless in this regard in that they never cared for the health of these workers, who have been working there day in and day out. They inhale this gas and a sizeable number of them contract lung disease, esthma, consumption etc. And this aspect has been brought to the notice of the authorities several times. But I do not think that private companies did anything in this regard, except, opening some little dispensaries here and there and thing like that. When you nationalise this industry, kindly see that you apportion a portion of the profits for proper protective appliances being given to them, taking care of the psychological problems and other environmental problems. After all, these people are working under very adverse circumstances and their interests should be taken care of.

There is one other point which I wish to stress. When you take over this, please see that these employees do not suffer in any way. Please see that the low-paid categories, Class IV and such other categories, do not lose anything. Please try to protect their interests by absorbing them in the new companies which are likely to be formed or some other agencies and please see that they do not suffer in any way in their emoluments and in other facilities enjoyed by them.

There is another point which may not be strictly relevant to the subject now being discussed. We have to go ahead with full steam, with accelerated pace in respect of prospecting of oil. Although it has been made clear that there are various segments which are likely to yield further oil, by indigenous production, off-shore or on-shore, after the successful prospecting in Bombay High, I do not think, this has received that much of attention it deserved. For instance, I want to bring out the situation in my own State where it has been proved by several seismic surveys conducted by Soviet experts and also by American experts and other competent people that there is a tremendous scope for prospecting

[Dr. Henry Austin]

of oil in the Kerala coast, besides other areas. That process also has to be started. It is estimated that Kerala coast alone, if oil prospecting is begun, will add a considerable percentage to the indigenous production of oil. I would only request that when the foreign distributing companies are going to be brought under national control, kindly push up this scheme so that we may produce more oil and afford more employment for our men, and, our national economy will be further enriched to that extent.

I do not want to inflict a long speech and I intervened simply because I felt it is my duty to congratulate the hon. Minister who, in a decade's time, has seen to it that this vital sector of our national economy is brought under national control and also the urges of the workers in the industry in this regard duly fulfilled.

THE MINISTER OF PETROLEUM (SHRI K. D. MALAVIYA): I am thankful to the hon. Members for pointing out both specifically and generally some points which I must take note of.

First of all, I will try to dispose of the criticism that Burmah-Shell disposed of quite a sizeable quantity of its properties and that while negotiating we did not take care or notice of it. There I would like to assure the House that as and when the attention of the Government was drawn or we ourselves discovered that the properties of foreign oil companies, whether it be the refinery or the distribution net, have been disposed of privately, we always intervened. We called them, we restrained them and either we stopped it totally or slowed it down appreciably. Sometimes, they did not listen to us, I admit, but after all, laws of the land allow a private Indian, a private citizen or a public company to dispose of its property in the manner that he or it liked. They knew that something was coming up and, therefore, it was between us a battle of wits, between the Govern-

ment and the party concerned but we can claim that we succeeded quite appreciably in restraining their hands in the disposal of their properties. A reference was made by my friend, Shri Shashi Bhushan. I was just informed of it. Sometime ago also some people informed me of it just a few days ago and I have not made enough inquiries and I think during negotiations those points were also taken note of.

There is another point which is personal. Some of the hon'ble friends who are very kind and extremely kind to me wanted to pay a personal tribute to me. I do not deserve any tribute or credit for any work that was done over ten years ago or even now. It is the policy of the Government, which manages the affairs of the people on behalf of the Parliament that is always and invariably responsible for the policy that it prosecutes or implements, and they ought to get the credit or the criticism of it. If any credit goes to this Ministry for having discovered oil or having taken a policy which is liked by the members or the people or the Parliament, certainly, the credit goes to the government and the leadership. Pandit Nehru who initiated this prospecting for oil had the bold vision to see that in an industry like the oil industry, exploration is something which should be within the control of the people and the Parliament. I am only an instrument for carrying out and implementing that policy. Whatever might have come, has come, due largely to the efforts made by the citizens of this country, the technicians of the ONGC and the Leadership. I am only instrumental on behalf of Parliament to have carried out certain instructions given to me by the Government.

I will now come to the point which was made out by my friend, Mr. Ismail. I feel that we do not deserve that criticism.

अब चूँकि श्री मोहम्मद इस्माल ने हिन्दी में अपनी बात कही इसलिये मैं उन को हिन्दी में ही जवाब देना चाहता हूँ। यह जो कच्चे तेल के बारे में बेतहाशा मुनाफा करने की बात कही जाती है, यह वास्तव में बात सही है कि दुनिया में जो जगह जगह तेल कम्पनियां तेल की तलाश करती हैं और तेल का उत्पादन करती हैं और रिफाइनरी को खेता करती हैं, वह तेल के उत्पादन करने का समझौता उन मुल्कों से होता है जिस मुल्क में वह तेल पैदा करती हैं। और 10, 20, 30, 40, 50, साल तक बराबर कुछ ऐसे रिश्ते कायम हो गये थे उन देशों से और उन कम्पनियों से जहाँ से वह बहुत सस्ता तेल ले जाते थे। मालूम नहीं कितना सस्ता तेल बेचते थे। और तेल सस्तने होने का भी एक ढंग होता है और वह यह कि अगर एक ही कूप से ज्यादा तेल निकले तो वह तेल सस्ता हो जाता है। और अगर 100 कूपों से उतना ही तेल निकले जितना कि एक कूप से तो वह तेल मंहगा हो जाता है। जैसे सऊदी अरेबिया में एक कूप से उतना तेल निकलता है जितना कि हमारे यहाँ 20 कूपों से निकलता है, या अमेरिका में 100 कूपों से निकलता है। इसलिए तेल कितना सस्ता और मंहगा होता है यह उन देशों के समझौते से और मात्रा से होता है। जिस मुल्क के अन्दर रिफाइनरी कायम होता है गवर्नमेंट की रजामन्दो से वहाँ कच्चे तेल के दाम निर्धारित करने का हमें कोई हक नहीं है। यह एक समझौते की बात होती है, लेन देन की बात होती है। अगर हम कमजोर होते हैं तो हम को ज्यादा दाम देना पड़ता है और अगर हमारी हालत अच्छी हाँती है तो दाम कम देना होता है।

अभी ऐसे कम्पनी जब ली गई थी उस वकत तेल का दाम कम था और ऐसे इस हालत में थी कि वह तेल हम को सस्ता दे सकती थी इसलिये जो हम ने समझौता किया उन से तेल खरीदने का उस में गुजाइस थी कि हम को कम दाम पर तेल मिल सके।

और उसमें हमको मुनाफा हुआ। अब जो वर्मार्शल से हम ने रिफाइनरी और उन का मारा इंतजाम लिया उस वकत तेल उन के बकजे से निकल गया। तेल का दाम पांच गुना हो गया और जिन देशों में तेल पैदा होता था उन्होंने ने तेल के दाम बढ़ा दिये। इसलिये उन को गुजाइस नहीं थी कि वह हम को इतने दाम पर तेल देते कि हम उन को दबा सकते। इसलिये तेल की लेन देन और उस का निर्धारण उन देशों पर नहीं होता है जो मुनहसर होते हैं तेल के खरीदने के लिये। जिस दाम पर हमको मिल सकता है, लेना होता है। आज हम 1,050 करोड़ रु० विदेशी मुद्रा की शक्ल में तेल के इम्पोर्ट पर खर्च कर रहे हैं। एक जमाना था जब ऐसे से बात कर रहे थे, उस वकत 250 या 300 करोड़ रु० साल का टोटल इम्पोर्ट का खर्चा था फरिन मुद्रा की शक्ल में। अब अरब देशों के तेल के दाम बढ़ जाने के बाद और कुछ ऐसे देशों की नीति के कारण, जिस के कारण दाम बढ़ गये, हम को तेल का दाम ज्यादा देना पड़ा और मजबूरन हम को तेल के दाम ऐसे मानने पड़े जो हमें अच्छा नहीं लगा। मगर हम कुछ नहीं कर सकते थे। हम तो समझौता करके ज्यादा से ज्यादा जो फायदा उठा सकते है देशवासियों के लिये उतना हम करने का प्रयत्न करते हैं। और मुझे कहने में शौरव है कि जिन बिशपजों ने वर्मार्शल रिफाइनरी और वर्मार्शल से और कामकाज को लेने में समझौता किया उन्होंने ने बड़ी वृद्धि में, बहुत इमानदारी से और बहुत योग्यता के साथ यह बातचीत की।

6 मिलियन टन तेल के शोधन करने की शक्ति इस वर्मार्शल रिफाइनरी में है, और हम उन को उतना तेल नहीं दे सके, उतना दाम नहीं दे सकते कच्चे तेल का कि वह 5, 6 मिलियन टन तेल का शोधन करते। इसलिये मजबूरन पीने चार मिलियन टन कर दिया। कभी इस से भी कम होता था। अगर हम तेल का दाम उन को दे देत तो साढ़े

[श्री के० डी० मालवीय]

पाच मिलियन टन तक बह कर सकते थे। इसलिये यह सब मसले कि कितना तेल उन को मिलता है इसी पर निर्भर है कि कितना तेल हमको मिलता है। हमारी गवर्नमेंट की राय में यह एक बहुत अच्छा समझौता हुआ है, बहुत मसला समझौता हुआ है और हमने जो डिस्ट्रीब्यूटिंग यूनिट्स के लिए 27 करोड़ और 75 लाख रूपया दिया और सवा नौ करोड़ रूपया रिफाइनरीज के लिए दिया, यह बहुत मुनासिब दाम हमने दिया। अगर वहीं हम रिफाइनरी लगाते, तो कहीं ज्यादा रुपया खर्च होना जैसा कि मधुग में हम साल दो साल में 6 मिलियन टन की रिफाइनरी लगाएंगे, तो डेढ़ दो सौ रूपया के बीच में खर्चा होगा। इसी तरह में बम्बई में 60 लाख टन की रिफाइनरी शोधनालय खड़ी करने का प्रयत्न करेंगे तो इस में ज्यादा पैसा खर्च करना पड़ेगा। यह रिफाइनरी, जिस की पॅरोटिलिटि, के बारे में मैं जिक्र कर रहा हूँ। यह भिन्न भिन्न काम कर सकती है। यह खराब और अच्छे कूड आयल का शोधन कर सकती है। इसलिए हम को यह बहुत अच्छी रिफाइनरी मिली है और बहुत कम में मिली है और यह जो भगतान हम ने किया है यह कोई ज्यादा नहीं है। सूद की बात कही गई और यह कहा गया कि 8 फीसदी सूद क्यों दिया। अगर हम यह न करते कि 8 फीसदी सूद हम देंगे, तो ज्यादा रुपया देना पड़ता, रिफाइनरी का ज्यादा रुपया देना पड़ता। यह एक समझौते की बात है और समझौते की लड़ाई है। इस में कुछ रुपया हम ने दिया इन्स्टेड के नाम पर और कुछ रुपया काट कर असल के नाम पर दिया और टोटल डील जो हुआ, यह बहुत सेटिसफैक्ट्री हुआ, बहुत सतोषजनक हुआ, इस में कोई सदेह नहीं है और इस के लिये हम अधिकारियों को बधाई देते हैं, उन की तारीफ करते हैं। उन्होंने बहुत अच्छा काम किया है।

अब दूसरी बात जो कही गई, वह मजदूरी के बारे में कही गई कि कहीं किसी को

ट्रांसफर कर दिया जाएगा और किसी के साथ अगुआ होगा। मैं माननीय सदस्यों का ध्यान बलाज 9 की तरफ दिलाना चाहता हूँ। इस में बिल्कुल साफ कहा गया है कि जितने भी वहाँ के कर्मचारी हैं, चाहे वे साधारण कर्मचारी हों, चाहे वे पर्मिनेंट हों, और चाहे वे पर्मिनेंट न हों, उन सब के लिए गारैन्टी है कि वे काम पर रहेंगे और उसी काम पर रहेंगे जिस काम पर वे थे। यह जो बलाज 3 है, यह इसलिये रखा जाता है कि अगर कोई नया सिलसिला जारी कर के झगड़ा करे, तो उन की रोकथाम करने के लिए यह रखा जाता है, बरना यह साधारण कानून है और इस की वजह में न किसी को बदला जाएगा, न किसी को भगाया जाएगा और न तबादला करके दूर भेजा जाएगा। वे यथावत जहाँ पर हैं वहीं पर रहेंगे। यह गवर्नमेंट की तरफ से मैं सदन को गारैन्टी देना चाहता हूँ। हाँ, अगर कोई गैर-मुनासिब बात इस रिफाइनरी के लेने के बाद होगी या कोई नई तस्वीर खड़ी करेंगे या नई शकल पैदा करेंगे तो राष्ट्रीय कम्पनी को अधिकार होगा, कि उस को नये मिर से देखे।

श्री एस० एम० बनर्जी (कानपुर) : हम यह नहीं कहते हैं कि जितने भी कर्मचारी वहाँ पर हैं उन के हितों की हिफाजत नहीं होगी। आप कहते हैं कि उन के हितों की हिफाजत होगी लेकिन इस में स्पेसिफिकली यह कहा नहीं है कि चाहे वह कर्मचारी पर्मिनेंट हों, टेम्पोरेरी हों या केजुअल हों, उन सब की हिफाजत होगी। इसलिए मैं यह कह रहा हूँ कि उन का जो यह एम्प्लोमेंट है, इस को आप देख लीजिए और इस को अगर आप अपनी तरफ से मूव कर दें, तो पक्का हो जाएगा।

श्री के० डी० मालवीय : "एम्प्लोई" कहा है। अब चाहे वह पर्मिनेंट हों, चाहे टेम्पोरेरी हों या दो दिन के लिए आया हों वह उस में आता है।

श्री एस० एम० बनर्जी : मैं इन्डस्ट्रियल ट्रिब्यूनल में केस लड़ता रहा हूँ और मैं जानता हूँ कि 'एम्पलाई' की परिभाषा यह नहीं है। केजुअल एम्पलाई को कहते हैं कि वह "एम्पलाई" नहीं है। इसलिए इस को कर देने से आप की भी दिक्कत दूर हो जाएगी और हमारी दिक्कत भी दूर हो जाएगी।

श्री के० डी० मालवीय : इस कारण से ही रिफाइनरी को अब पब्लिक सेक्टर में ले लिया गया है। कोई रिट्रेंचमेंट नहीं होगा और न शर्तों में कोई कांट-छांट की जाएगी जो शर्तों राष्ट्रीयकरण करने से पहले उन पर लागू थी और जिनके परिणामस्वरूप वे काम कर रहे थे, बही रहेंगी। उन की संख्या में कोई कमी नहीं होगी और नही शर्तों में कमी होगी यह आश्वासन देने दिया है। यह चेंप्टर 3 की दफा 9 में है और यह जो रखा गया है यह महज इसलिए रखा गया है कि अक्सर मजदूर वर्गों के जो संगठन होते हैं वे ऐसी शर्तें बना सकते हैं कि उन पर बेकार का झगड़ा खड़ा हो सकता है, जिस झगड़े से उन का कोई फायदा नहीं होगा और फिर आप भी रहेंगे और हम भी रहेंगे और अगर कोई ऐसी बात होती है तो आपस में बैठ कर उस को ठीक कर लेंगे।

श्री एस०एम० बनर्जी : अध्यक्ष महोदय, जो आश्वासन मंत्री जी ने दिया है, उस पर हमें पूरा विश्वास है। उस को वे पूरा करेंगे लेकिन जहाँ कचहरियों में मुकदमा ले कर जाते हैं तो आश्वासन ले कर वहाँ जा नहीं सकते क्योंकि बन्दिश लग गई है।

श्री के० डी० मालवीय : मुझे अफसोस है कि मैं उसे नहीं मान सकता हूँ। काल-टेक्स के साथ नेगोसियेशन्स की बात भी किसी माननीय सदस्य ने कही है। नेगोशिएण्ड हम कर रहे हैं। दोनों तरफ से सद्भावना दिखाई जा रही है।

With all the courtesies and proprieties, the negotiations, I presume, are

going and I suppose as soon as possible we will be able to find a solution which will be acceptable to both the parties and, therefore, I will beg of the House to give us a little more time so that we may be able to complete the whole process of controlling.

Sir, I want to correct a notion on the part of some of the hon. Members that the policy of oil has only recently been revised with a view to control it. It is not like that. Oil has always remained under public control but there were certain conditions under which refineries were functioning in this country and we did not want to push them out just for the sake of pushing them out. It was only appropriate now that under the present conditions we should take them over with a view to making them more purposeful, economic and useful for the society.

So far as exploration is concerned a point was raised by Mr. Pandey and Mr. Austin that we are not doing enough to search for more oil. We are doing enough to search for more oil. Bombay High has proved to be a successful oil structure. This is only one structure out of the 17 structures which are before us and which are either in the first stage or in the second stage or in the third stage or in the final stage. Sir, we just try to scan the area and when we get hope from certain segments of the basin then we do detailed work. Then after doing the detailed work, we do more detailed work because we do not want to waste money on drilling. Finally we come and start drilling in order to find whether our preliminary investigations were really justifiable or not. Sir, taking into account all these there are several structures—more than sixteen or seventeen—where Government with the help of ONGC or international oil companies, we are trying to search for oil both in the east and west. So far as Kerala coast is concerned we hope that we shall soon try to justify the aspirations of our hon'ble friend. It is said

[Shri K. D. Malviya]

that on the coast of Kerala also there are such basins which are capable of further attempt to investigate for oil and as soon as our seismic ship is available to go there—may be within next six to eight months or, if not, we will again hire another ship—we will see that Kerala coast is also immediately on our programme I hope, Sir, I have covered most of the points

The hon'ble Members are already aware that our programme of production of crude oil from Bombay High is of about 10 million tonnes by the end of the decade. We will produce 10 million tonnes or a little more or slightly less. It will remain within 9.5 million tonnes to 11 million tonnes from that area by 1980.

By that time it is my fervent hope that we shall discover more structures and produce more oil and on land also we shall be producing more oil. That is why I said, Sir, that there are hopes that by the end of this decade or early 1980s it is quite possible that India might become self-sufficient in the crude oil for its own refineries. The expansion of capacity of our refineries is already getting more and more quickly. Mathura refinery is also coming up within three to four years from now. It will be capable of refining 6 million tonnes of oil.

So I hope the House will support the Bill just now before it and accept it without further discussion.

MR SPEAKER: The question is

"That the Bill to provide for the acquisition and transfer of the right title and interest of the Burmah Shell Oil Storage and Distributing Company of India Limited in relating to its undertakings in India with a view to ensuring co-ordinated distribution and utilisation of petroleum products distributed and marketed in India by the said company and for matters connected therewith or incidental

thereto, be taken into consideration"

The motion was adopted.

MR SPEAKER: We shall now now take up clause by clause discussion.

There are no amendments to clauses 2 and 3. The question is:

"That clauses 2 and 3 stand part of the Bill".

The Motion was adopted.

Clauses 2 and 3 were added to the Bill

MR. SPEAKER: There are amendments tabled to clause 4.

SHRI RAJA KULKARNI—He is not here. The question is

"That clause 4 stand part of the Bill".

The motion was adopted

Clause 4 was added to the Bill.
Clauses 5 and 8 were added to the Bill

MR SPEAKER: There are amendments tabled to clause 9. Shri Raja Kulkarni—He is not here. There are no other amendments tabled. So, I shall now put all the other clauses together.

The question is

"That clauses 9 to 20, The First Schedule, the Second Schedule, Clause 1, the Enacting Formula, the Preamble and the Title stand part of the Bill".

The motion was adopted

Clauses 9 to 20 the First Schedule the Second Schedule, Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.

SHRI K. D. MALAVIYA: I move:

"That the Bill be passed."

MR SPEAKER: The question is:

"That the Bill be passed"

The motion was adopted