[Shri Tyagi]

priation Accounts (Civil), 1961-62 and Audit Report (Civil), 1963 relating to Ministries of External Affairs, Food and Agriculture, Health, Home Affairs, Information and Broadcasting, Labour and Employment and Law.

12.15½ hrs.

PANEL OF CHAIRMEN

Mr. Speaker: I have to inform the House that under rule (19) of the Rules of Procedure and Conduct of Business, I have nominated Shri T. H. Sonavane to the Panel of Chairmen in addition to the existing members of the panel.

12.16 hrs.

STATEMENT *RE*: DELHI STATE CENTRAL CO-OPERATIVE STORES' DEALINGS IN GUR

The Minister of Law (Shri A. K. Sen): Sir, I want to make a statement on the Delhi State Central Co-operative Stores and its dealings in *gur*.

On 18th November, 1963 a permit was issued by the Director of Food and Civil Supplies of the Delhi Administration in favour of Delhi State Central Co-operative Stores Limited, authorising them to import 300 tons of *gur from* Uttar Pradesh under the Gur Movement Control Order, 1963. Prior to that a licence was issued in favour of the Stores to deal in *gur* on the 16th November, 1963 by the Director of Food and Civil Supplies under the Delhi Khandsari and Gur Dealers' Licensing Order, 1963. The licence specified only one place of business, namely, 8/4, D.B Gupta Road Delhi. On 29th November, 1963, the Secretary of the Society, Miss Sulhan, informed the Director of Food and Civil Supplies verbally and then in writing that the *gur* was being stored in 5 depots, namely, Medaganj, Phuta Road, Nangloi Regal Buildings and Jagannath Market. It is stated that the Director had informed the Secretary that no licence was required for storage and sale of less than 50 quintals at any one place. It is also stated that the Director had verbally approved of the storage at these five places. But the Directorate did not issue any licence for effecting sales at the above 5 depots or at three other places where they were subsequently stored. It seems that in three places out of the above five places, Medaganj, Phuta Road and Nangloi, and at Najafgarh also, *gur* was not only stored exceeding 50 quintals but was also sold exceeding 50 quintals involving a breach of clause (3) of the Delhi Khandsari & Gur Dealers' Licensing Order punishable under section 7 of the Essential Commodities Act. The Directorate only approved of storage in these unlicensed premises and not sale.

With regard to the sale of the *gur* thus imported it seems the sale took place prior to the 5th December, 1963 at first at rates varying from Rs. 80 to Rs. 85 per quintal and later on at rates varying between Rs. 66 and Rs. 69 per quintal for wholesale and Rs. 69 and Rs. 71 for retail sale. At that time no order was issued by the Director of Food and Civil Supplies fixing the price for the sale of the *gur* in question.

On the 6th December, 1963 the Director had fixed the price of the *gur* in question as follows:—

Quality of gur	Quantity in quintals	Wholesale rate per quintal
1. Gur Pansera	726·30	66·00
2. Gur Chakoo	241·19	68·00
3. Gur Khurpa	649·49	69·00
4. Gur Ladoo	198·25	69·00

After the aforesaid fixation of price, the Stores do not appear to have sold any *gur* at prices exceeding the prices fixed as above.

In these circumstances, the Delhi Administration took the opinion of the Secretary, Ministry of Law, who opined that there was a case for prosecution against the persons responsible for sale of the *gur* from

the aforesaid unlicensed premises under section 7 of the Essential Commodities Act read with clause (3) of the aforesaid Licensing Order. His view was that as there was no sale by the Stores of *gur* contrary to the rates fixed by the Director after such fixation, there was no case for prosecution for sale of *gur* in excess of the prices fixed.

Thereafter the matter was sent to the Solicitor-General for his opinion who agreed with the view of the Law Secretary.

Accordingly, a case has been filed against the Managing Director of the Stores, Shri Ram Lal and the Secretary of the Stores, Miss Shakuntala Sulhan. A case has been filed before Shri R. N. Mehrotra, First Class Magistrate, Delhi under section 7 of the Essential Commodities Act read with clause 3 of the aforesaid licensing order for effecting sale of *gur* exceeding 50 quintals from unlicensed premises. The case is now pending.

श्री प्रकाशवीर शास्त्री : अध्यक्ष महोदय, मैं आपके द्वारा यह जानना चाहता हूं क्या यह सही नहीं है कि विधि मंत्रालय से जिन मामलों में राय मांगी जाती है वे प्रायः करके इस प्रकार के मामले होते हैं जिनमें या तो कोई संवैधानिक आपत्ति उठायी गयी होती है या जिनमें संविधान की किसी धारा की या किसी कानून की व्याख्या अपेक्षित होती है या कोई दीवानी का गहरा मामला होता है। फौजदारी के मामले या इसेंशियल कमोडिटीज़ ऐक्ट के मामले, जिसका मंत्री महोदय ने अपने वक्तव्य में उल्लेख किया, विधि मंत्रालय को नहीं भेजे जाते ? यदि हां, तो क्या यह मामला किसी राजनीतिक व्यक्ति को बचाने के लिए विधि मंत्रालय को भेजा गया ? इस प्रकार का नया निर्णय क्यों लिया गया ? क्या इस तरह से एक व्यक्ति को बचाने की दृष्टि से नन्दा जी देश से भ्रष्टाचार को समाप्त कर सकेंगे ?

श्री त्यागी (देहरादून) : इसका कोई जवाब नहीं है ।

Shri A. K. Sen: The statement of the case which was sent to the Ministry was the most fair statement. I strongly refute any suggestion that it was sent for the purpose of shielding anybody. It does not matter who is concerned or who has violated the law, so far as the legal position is concerned .. (*Interruptions*)

Mr. Speaker: What is requested is whether this is the usual practice.

Shri Surendranath Dwivedy (Kendrapara): What is the precedent?

Mr. Speaker: Was ever the Law Ministry or the Secretary of the Law Ministry consulted in such matters or it was only in this case that consultation was made?

Shri A. K. Sen: In all important cases it is done. (*Interruptions*)

Mr. Speaker: Order, order.

Shri Nath Pai (Rajapur): Sir, may I ask a supplementary on this?

अध्यक्ष महोदय : मैंने कल के लिए इस मामले पर आध घंटे का डिसकशन भी एलाउ किया है । उस वक्त आप पूछ सकते हैं । वैसे इस स्टेटमेंट पर तो कोई सवाल नहीं हो सकता । क्लेरिफिकेशन के लिए एक आध सवाल एलाउ किये देता हूं । यदि माननीय सदस्य डिसकशन चाहते हैं तो उसके लिए दूसरे तरीके हैं । इस तरह से वह नहीं हो सकेगा ।

श्री प्रकाशवीर शास्त्री : आपने जो कल आधे घंटे की चर्चा का समय दिया है उसके लिए धन्यवाद करते हुए, मैं केवल यह जानना चाहता हूं कि पुलिस की जो रिपोर्ट है और जो ला मिनिस्ट्री को भेजी गयी, उस में किन किन व्यक्तियों के नाम हैं, वह तो ला मिनिस्टर साहब बतला दें ।

अध्यक्ष महोदय : इस रिपोर्ट में किन किन आदमियों के नाम हैं, इसका जवाब ला मिनिस्टर साहब देना चाहते हैं तो दें ।

Shri A. K. Sen: As the matter is pending, I do not want to go into the details.

Shri Hari Vishnu Kamath (Hoshangabad): The cat is out of the bag—a big cat.

Shri A. K. Sen: I can tell you the names of the persons who are involved in the sale of *gur*, whose names have appeared in the document of purchase from UP, in the payments in the sales effected, in the storage effected—all these were sent along with the statement.

Shri Prakash Vir Shastri: What about the Chairman of the Central Co-operative Store? Why no action against him is taken?

Shri Ranga: The Home Minister is always talking of eradicating or rooting out corruption and this is the co-operation he gets.

Mr. Speaker: That would be quite a different thing.

Shri Nath Pai: I have to ask a specific question on the statement which he made. He said that no breach was involved of the Gur Order which obtains in Delhi because no directions were issued. May I know from him whether the Director of Supplies, Delhi, contacted personally the Secretary of this Store and when she asked for permission to sell *gur* at rates between Rs. 32 to 34 he specifically told her that this will be wrong, in contravention of the orders and illegal and whether in spite of these directions given by the Director of Supplies the *gur* was sold and (b) whether the Director did not incorporate these things in his complaint to the Superintendent of Police who had to carry this inquiry?

Shri A. K. Sen: The Director never stated anything about the fixation of prices before the 6th of December.

Shri S. M. Banerjee (Kanpur): I would like to know the circumstances which led the Delhi Administration to send a specific case to the Law Ministry. Why a deviation was made in this particular case?

Mr. Speaker: He has answered that.

Shri S. M. Banerjee: He has not answered it specifically.

Mr. Speaker: It has been answered.

डा० राम मनोहर लोहिया (फर्रुखाबाद): यह याद दिलाते हुए कि दिल्ली सहकारी समिति ने साढ़े सात आने सेर में गुड़ खरीदा था और करीब ११ या १२ आने सेर में थोक व्यापारियों को बेचा था, और फुटकर लोगों को, उपभोक्ताओं को, करीब एक रुपये सेर में मिला था, मैं यह जानना चाहता हूं कि क्या कानून मंत्रालय को दिल्ली प्रशासन से श्री ब्रह्मप्रकाश जी के खिलाफ और दूसरों के खिलाफ हिसाब में गड़बड़ी करने की भी सामग्री मिली जो ताजीरात हिन्द की दफा ४७७ के मुताबिक होती है, और क्या १२० दफा के मुताबिक भी, जो सरकार के खिलाफ साजिश करने की सामग्री है, वह भी मिली ?

Shri A. K. Sen: I have not quite followed what the question is..... (*Interruption*).

Shri Kapur Singh (Ludhiana): Before he replies.....

Shri A. K. Sen: The hon. Member will leave it to me to choose my course of action. Should I need any advice from Shri Kapur Singh, I shall always be willing to take it. What I was saying was that I was not quite clear as to what the hon. Member had in view. If the point is whether there has been any violation of the Essential Commodities Act by selling in excess of controlled prices, the answer is that the first thing to be proved against any person against whom prosecution may be contemplated is whether there was in fact such a fixation or not and, if there was a fixation, whether after the fixation there was any sale contrary to the fixed price. These are the most important questions. As I have stated the facts, the investigation shows that the prices were fixed on the 6th December and after that no sale had taken place contrary to those fixed prices. The sales up to the 30th October appear to have been at between Rs. 80|- to Rs. 85|- per quintal. After that, even before the fixation,

the Stores appear to have sold at a much lesser price, ranging from Rs. 65|- to Rs. 79|- and in one case at Rs. 71|-. But that is immaterial if there is no fixed price at that time. So, the question of shielding anyone does not arise. If there was any sale contrary to the prices, no matter who is involved, he would have been prosecuted.

डा० राम मनोहर लोहिया : अध्यक्ष महोदय, मैं आप से कहना चाहता हूं . . . .

अध्यक्ष महोदय : आपको कल आधे घंटे का वक्त है, उस वक्त आप क्लेरिफिकेशन कर सकेंगे ।

डा० राम मनोहर लोहिया : उन से तो मुझे कभी तात्पर्य नहीं रहता । मैं तो खाली आप से अर्ज करना चाहता हूं कि लोक सभा का काम काज कैसे चलेगा । अगर सरकार के सामने साफ बात कही जाती है तो उस का उत्तर न दे कर के वह इधर उधर की बातों को ले आते हैं । सवाल साफ है कि क्या उनको दफा ४७७ के मुताबिक हिसाब में गड़बड़ी करने की, और दफा १२० के मुताबिक सरकार के खिलाफ साजिश करने की सामग्री मिली । यह सवाल गुड़ के साथ बंधा हुआ है । लेकिन सरकार यह कह कर हट जाती है कि हमें तो उससे मतलब नहीं, हमें तो खाली इसेंशियल कमोडिटीज एक्ट से मतलब है ।

Shri A. K. Sen: I beg the hon. Member's pardon if I had given the impression that I was evading the answer. If his question was about falsification of accounts, no such complaint came to my Ministry and, therefore, there was no occasion to examine it. If there are facts placed, we shall certainly consider them and give our impartial view.

डा० राम मनोहर लोहिया : यहां ब्रह्म प्रकाश जी ने खुद माना है कि उन्होंने रेलवे को घूस दी ।

Shri Nath Pai: It was pointed out precisely that the charges which the Police had referred to the Delhi Administration for being brought to court were under sections 477, 120 and 34—falsification of accounts and conspiracy to defraud. This I had asked of the hon. Food Minister and we insist that the House is being misled as to whether the Delhi Police in their report have stated that prosecution can be instituted under these charges.

Mr. Speaker: Now the hon. Minister says that that has not been referred to the Law Ministry.

Shri Hari Vishnu Kamath: *Suppressio veri, suggestion falsi.*

12.29 hrs.

STATEMENT *re.* REPORT OF BONUS COMMISSION

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): Sir, on behalf of Shri Malviya, I beg to lay on the Table a copy of the Report of the Bonus Commission. [*Placed in Library. See* No. LT-2436/64].

The Report raises a number of important issues and contains a note of dissent. The Report is still under study and it is not possible to state at this stage what the decision of the Government will be.

Shri Daji: How long will the Government take to decide upon the report of the Bonus Commission?

Shri C. R. Pattabhi Raman: It will be placed as soon as possible.

Shri S. M. Banerjee: May we know the approximate time-limit as to when it would be placed, say, one month or 1½ months?

Shri Daji: Will it be placed during this session?

Mr. Speaker: Can the Minister give some rough idea?

Shri C. R. Pattabhi Raman: It is a very important issue. The State Governments are there. We are all considering it and there is a note of dissent. All that is to be considered. I would like to say that we are anxious to expedite it as soon as possible.
