

श्री प्रकाशवीर शास्त्री : राष्ट्र में सदस्यों की भावना किसी तरह मालूम होनी चाहिये ।

Shri Tyagi (Dehra Dun): Informally we all agree. No formal resolution is necessary.

श्री बड़े : होम मिनिस्टर कुछ कहना चाहते हैं ।

अध्यक्ष महोदय : मैंने उन्हें जवाब देने के लिये नहीं बुलाया है ।

12.08 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

THIRTY-FOURTH REPORT

Shri Krishnamoorthy Rao (Shimoga): Sir, I beg to present the Thirty-fourth Report of the Committee on Private Members' Bills and Resolutions.

STATEMENT BY MEMBER

श्री प्रकाशवीर शास्त्री : अध्यक्ष महोदय, लोक सभा के पिछले अधिवेशन में दिल्ली के सेंट्रल कॉन्ग्रेशनल स्टोर के सम्बन्ध में कई बार यह चर्चा आई थी कि इस स्टोर ने उत्तर प्रदेश से बहुत सस्ते दामों पर गुड़ खरीदा और दिल्ली में भारी मुनाफे से उस गुड़ को बेचा । इस सेंट्रल कॉन्ग्रेशनल स्टोर को जिन शर्तों पर यह लाइसेंस उत्तर प्रदेश से गुड़ लाने के लिये दिया गया था उसका भी पालन नहीं किया गया और जब कि संकट काल में इस प्रकार से भारी मुनाफा कमाने वाले अन्य संगठन भारत सुरक्षा अधिनियम के अन्तर्गत आ जाते हैं तब इस स्टोर एवं इसके संचालकों पर उस सुरक्षा अधिनियम (डिफेन्स आफ इंडिया क्लस) को क्यों नहीं लागू किया गया ।

१९-१२-६३ को इसी सम्बन्ध में एक अल्पसूचना प्रश्न संख्या ६ पर अनुपूरक

प्रश्न करते हुए मैंने सम्बन्धित विभाग के मंत्री महोदय से यह जानना चाहा था कि इस सेंट्रल कॉन्ग्रेशनल स्टोर को जो लाइसेंस दिया गया था तो क्या लाइसेंस की शर्तों में एक शर्त यह भी थी कि यह स्टोर जिन को गुड़ बेचेगा, रसीद के ऊपर जिसका वह दिया जा रहा है उसका नाम और पूरा पता लिखा जायेगा । लेकिन उक्त स्टोर से जिनको गुड़ बेचा गया उसमें नाम और पूरा पता लिखने की शर्त का पालन नहीं किया गया, यदि हां, तो फिर इस स्टोर के खिलाफ क्या कार्यवाही की गई है ?

मंत्री महोदय (श्री अ० म० धामस) ने उसके उत्तर में कहा—“दियर इज नो सच कंडीशन इन दि लाइसेंसिंग आर्डर ।”

श्रीमन्, दिल्ली गजट एक्टूआइज-नरी पार्ट ४ दिनांक ६ अगस्त, १९६३ के पृष्ठ संख्या ४१५ में दिल्ली खंडमारी एंड गुड डीलर्स लाइसेंसिंग आर्डर १९६३ की धारा ५ में स्पष्ट लिखा है कि “दी लाइसेंसि शैल इश्यू टू एवरी वस्तमर ए करेक्ट रिमिटी और इन वायस एंड दी केस मे बी, गिविंग हिज अोन नेम, एड्रेस एंड लाइसेंस नम्बर, बी नेम एंड बी लाइसेंस नम्बर (इफ ऐनी) आफ बी कस्टमर्ज ।”

इस सब के होते हुए ऐसा प्रतीत होता है कि मंत्री महोदय ने उस समय पता नहीं किन कारणों से उक्त सेंट्रल कॉन्ग्रेशनल स्टोर की इस अवैध कार्यवाही को छिपाने के लिये सदन में अशुद्ध उत्तर दिया ।

लोक-सभा के प्रक्रिया तथा वाय-संचालन सम्बन्धी नियमों के अधीन अध्यक्ष द्वारा दिये गये निदेश संख्या ११५ के अन्तर्गत में पिछले सत्र में ही इस विषय को सदन में उठाना चाहता था किन्तु सत्र की अनिर्दिष्ट के कारण उस समय सम्भव न हो सका । अब मैं आपके द्वारा सम्बन्धित मंत्री महोदय

[श्री प्रकाशवीर शास्त्री]

से इस बात की जानकारी चाहता हूँ कि उन्होंने वास्तविकता के सर्वथा विपरीत सदन को प्रशुद्ध उत्तर किस लिए दिया और ऐसा करने के क्या कारण थे ? और अब उस स्टोर के खिलाफ इन नियमों की अवहेलना करने के सम्बन्ध में क्या कार्यवाही की गई है ?

श्री स्यामी (देहरादून) : हो सकता है कि गजट गलत छप गया हो ।

The Minister of State in the Ministry of Food and Agriculture (Shri A. M. Thomas): Sir, I place on the Table of this House a statement correcting the answer. It is only a formal correction. In fact, in the main body of the Licensing Order there is no condition; it is only in the body of the licence form itself that the condition is there. I am placing the Statement both in Hindi and in English on the Table of the House.

Mr. Speaker: Was it required when a receipt or invoice was issued to any person?

Shri A. M. Thomas: Sir, I shall read out the statement.

During the supplementaries on Short Notice Question No. 6 answered on 19th December 1963, Shri Prakash Vir Shastri had asked the following question in Hindi:—

“Whether it was not a fact that one of the conditions of the Licensing Order was that the name of the purchasers should be entered in the purchase Memo and whether the Delhi Co-operative Store did not comply with this requirement; if not, what action was taken against the Store.”

I had replied this question in the negative and had stated that there was no such condition in the Licensing

Order. I had pointed out that in fact they (shopkeepers) should keep records of the sales to the persons they had sold and other things and if you call for the records they should have necessarily to furnish them.

I checked up the position after the question was answered and find that while there is no direct provision in the main body of the Delhi Khand-sari and Gur Dealers' Licensing Order, 1963, prescribing any condition to issue receipts for the goods sold, there is a condition in the form of the licence prescribed under the Delhi Khand-sari and Gur Dealers' Licensing Order, 1963 (condition No. 5) under which a licensee has to issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and licence number, the name, address and licence number (if any) of the customer, the date of transaction, the quantity sold, the price per quintal and the total amount charged, and shall keep a duplicate of the same to be available for inspection on demand by the Director of Food and Civil Supplies or any other officer authorised by him in this behalf.

In view of this position, I would request that the first sentence of my reply to Shri Prakash Vir Shastri's Question may be amended as under:—

“There is such a condition in the form of the licence prescribed under the Licensing Order.”

As already stated by me in the House, a police enquiry was instituted against the Store and the investigations are more or less complete. The Delhi Administration had decided to launch prosecution against the Store and they are consulting the Law Ministry in the matter.

Shri Bade (Khargone): Sir, this House is not clear as to whether the form is prescribed under the rules or not. If it is prescribed under the

rules then, of course, that condition is already there. How could the Minister say that there was no condition?

अध्यक्ष महोदय : उन्होंने अब अपना जवाब दुरुस्त कर दिया है। सवाल था कि लाइसेंसिंग आर्डर में कोई कंडीशन है? उन्होंने कहा नहीं।

Shri Bade: It is prescribed under the rules.

अध्यक्ष महोदय : मगर उन्होंने चैक भी किया तो पता चला कि लाइसेंसिंग आर्डर में तो ऐसी कंडीशन नहीं है, मगर लाइसेंस फार्म जो है उसमें ऐसी कंडीशन है।

Shri Bade: You know, Sir, when that condition is there, it means it has been prescribed under the rules.

अध्यक्ष महोदय : मैं इतना जरूर कहना चाहूंगा कि जो जवाब दिया गया वह टैकनिकली तो दुरुस्त है। सवाल था कि लाइसेंसिंग आर्डर में ऐसी कोई कंडीशन थी या नहीं, उनका जवाब इसलिए दुरुस्त है कि लाइसेंसिंग आर्डर में ऐसी कोई कंडीशन नहीं है। मगर जो सवाल की स्प्रिट है उस को देख कर जवाब आना चाहिए और मुकम्मल होना चाहिए क्योंकि ऐसा न होने से गलतफहमी होने का अन्देश होता है पब्लिक में। अब प्रकाशवीर शास्त्री जी ने यह इनफर किया कि ऐमा क्रिमी को छिपाने के लिए किया गया। मिनिस्टर साहब का इरादा न हो।

Even though the Minister might have done it inadvertently and not deliberately, the inference that might be drawn from it may not be conducive to him.

Shri A. M. Thomas: What has happened is, as I have myself stated, when the question was answered last time there was a breach of the conditions of the Gur Licensing Order; necessary action is being taken on

this score. So, there is no question of hiding anything.

Shri Hari Vishnu Kamath (Hosh-angabad): Sir, on a point of order with regard to the answer given by the Minister. I am constrained to say that his answer discloses a definite trend to mislead the House. He says that it is not in the order; but the form prescribed is under the order. As you know, Sir, in subordinate legislation forms prescribed under the rules are as much part of the legislation as anything else.

Mr. Speaker: Order, order. It should not be presumed that there was any intention to mislead the House.

Shri Hari Vishnu Kamath: I said "a trend".

Mr. Speaker: A mistake has occurred. That has been corrected, that has been followed up and even earlier proceedings are being taken against the man for the offence committed. So, there is no question of hiding anything.

श्री बड़े : अब होम मिनिस्टर साहब आ गए हैं और श्री सत्यनारायण सिंह भी है। शायद वह होली के बारे में कुछ कहना चाहे।

अध्यक्ष महोदय : आप बैठ जाएं। सत्यनारायण सिंह साहब से बाहर फंसला कर लें।

श्री प्रकाशवीर शास्त्री : मैं आपके द्वारा निवेदन करना चाहता हूँ कि यदि उनकी भावना का भी पता लग जाए तो अच्छा होगा।

अध्यक्ष महोदय : क्या आप कुछ कहना चाहते हैं?

पृष्ठ-कार्य मंत्री (श्री नन्दा) : जी नहीं।

Mr. Speaker: We will now take up the general discussion on the Railway Budget.

Mr. Speaker: Action must have been taken on it if it has been given.

Shri Indrajit Gupta: It is a matter on which a decision has been taken by the Cabinet.

12.17 hrs.

RE. ALLEGED BREACH OF PRIVILEGE

Mr. Speaker: I have taken action on that.

Shri Indrajit Gupta (Calcutta South West): Sir, with your permission, I would like to raise the question of the privilege of the House and I seek your guidance in the matter. As you know, on many previous occasions references have been made in this House to statements or declarations of Government policy which have been made outside the House while the House was in session. Several such instances have occurred in the past and you were pleased to observe . . .

Shri Indrajit Gupta: It is a very important matter. It amounts to a fundamental revision of the industrial policy resolution and the House has not been informed about it.

Mr. Speaker: I would request him not to raise it in this manner. Let him have patience.

12.18½ hrs.

RE: BUSINESS OF THE HOUSE

Mr. Speaker: If he has some such instance, he should write to me and inform me. He should not raise it in this manner.

Shri Nambiar: Sir, I would request that the date for the food debate may be announced so that hon. Members may know when we are having it.

Shri Indrajit Gupta: I am now drawing his attention to this matter.

Mr. Speaker: He ought to have written to me so that I could have come prepared.

Mr. Speaker: The Business Advisory Committee is meeting tomorrow when it will scrutinise everything and decide what subjects should be taken up when. It will be meeting at 4 O'clock. He can also attend the meeting.

Shri Indrajit Gupta: There was no time. It has come only in today's paper.

Mr. Speaker: Then he can write to me today and raise it tomorrow.

Shri Indrajit Gupta: Sir, please bear with me for a minute.

Mr. Speaker: Not in this manner. I would request him to give me notice just now. I will consider it and if I feel it is so urgent, I will take it up in the afternoon.

Shri Indrajit Gupta: I have already given notice of a Calling Attention Notice.

12.19 hrs.

RAILWAY BUDGET—GENERAL DISCUSSION—Contd.

Mr. Speaker: The House will now take up general discussion of the Railway budget. The hon. Minister of Railways was on his legs.

The Minister of Railways (Shri Dasappa): Mr. Speaker, Sir, I rose yesterday evening to thank hon. Members for the good reception, by and large, which they have accorded to the Railway Budget, I find that