

P. A. SANGMA): Sir, I beg to lay on the Table, under sub-section (4) of section 13 of the Textiles Committee Act, 1963, a copy (in English and Hindi) of the Annual Report and Certified Accounts of the Textiles Committee, Bombay, for year 1980-81, together with Audit Report on the Accounts. [Placed in Library. See No. LT-3674/82].

[Mr. Deputy Chairman in the Chair]

Report of the committee on public undertakings

SHRI R. R. MORARKA (Rajasthan): Sir, I beg to lay on the Table a copy (in English and Hindi) of the Thirty-fifth Report of the Committee on Public Undertakings on action taken by Government on the recommendations contained in the Twenty-third Report of the Committee on Public Undertakings (Seventh Lok Sabha) on Steel Authority of India Limited—Import of Steel (Ministry of Steel and Mines—Department of Steel).

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

Situation arising out of the reported mal-distribution of cement in various states in violation of the guidelines issued by the Central Government.

SHRI ARVIND GANESH KULKARNI (Maharashtra): Sir, I beg to call the attention of the Minister of Industry to the situation arising out of the reported mal-distribution of cement in various States in violation of the guidelines issued by the Central Government and the action taken by Government in the matter.

THE MINISTER OF INDUSTRY AND STEEL AND MINES (SHRI NARAYAN DATT TIWARI): Sir, as the Hon'ble Members are aware, under the procedure for allocation of cement to the States/Union

Territories as it obtained before 28-2-1982, bulk allocations of cement were placed at their disposal every quarter by the Central Government. Of these bulk allocations, with effect from quarter I/1979, certain quantities were pre-reserved for priority sectors of irrigation and power on the basis of assessments made by the Central Water Commission/Central Electricity Authority and the Ministry of Irrigation. Further, ten per cent of such allocations was reserved for small scale industries with effect from quarter III/1981. The remaining quantity was available to the State/Union Territory Govts. for sub-allocation to any categories in their full discretion. The Central Govt.'s responsibility in the matter extended only upto the stage of making bulk allocations. From the quantum of cement pre-reserved, no diversions to non-priority sectors were permitted without prior approval of the Central Government. In regard to distribution of cement by the State/Union Territory Governments to the sectors falling within their jurisdiction, as the inter-sectoral priorities would differ from States to States, it was considered necessary to leave the matter to the best judgement of the State/Union Territory Governments. The responsibility of following the procedures and guidelines, if any, laid down by the State/Union Territory Governments in this regard rested squarely with them.

In addition to the bulk allocations as explained above, requests were often received by the Central Government from different States/Union Territories for additional *ad hoc* allocations to meet the requirements for floods, cyclone and drought reliefs and other emergent needs and therefore keeping in view the overall availability of cement, additional *ad hoc* allocations were made in favour of States/Union Territories.

As from 28-2-82, the system of cement distribution has been modified in the context of partial decontrol of

cement. The State Government_s will now get bulk allocations exclusive of the requirements of irrigation and power projects. The quantities of levy cement placed at the disposal of States/Union Territory Governments will be used by them keeping in view the requirements of State Government Departments, State Public Sector Undertakings and Corporations/Local Bodies. Apart from this, levy cement will be used for release in favour of socially oriented schemes like rural housing, housing for slum dwellers, Harijans, Adivasis and other poorer sections of society, rural water supply schemes and other items included in the new 20 Point Programme. Levy cement will also be made available for construction of residential houses having a plinth area upto 80 sq. meters and also small quantities for repair to residential houses. Besides, levy cement will be allocated for construction of factory buildings in the small scale industrial sector. No levy cement, however, will be released for industries which use cement as raw material. Similarly, such cement will not be released for construction of buildings other than factories, construction of restaurants, hotels, cinema houses, multi-storeyed or commercial buildings and residential houses having a plinth area of more than 80 sq. meters. The allocation for irrigation and power sector will be made to the project authorities concerned directly, as assessed by the Central Water Commission/Central Electricity Authorities etc., in addition to the quarterly allocations of the States/Union Territories.

SHRI ARVIND GANESH KULKARNI: Sir, I have gone through the statement made by the Minister of Industry. The experience of cement distribution is far from satisfactory. Now, I do not know how the recent guidelines are going to work. As far as we are concerned, the guidelines of the Central Government are misused rather than properly implemented. Now, that old story known as 'Antulay Affairs' is going into the Guinness Book of Records. As I have,

stated in my Calling Attention, I want to draw your attention to the malpractices indulged, particularly very recently, in Karnataka where the greatest scandal has taken place as regards the distribution of cement and its *ad hoc* allotment by the Government of India. It is a very bizarre story. The Karnataka State has got Karnataka Ownership Apartment Promotion Association and the Bangalore Municipal Corporation recommended to the State Government that these builders should not be given cement. As a result, even the 50-ton quarterly allotment was cancelled. When this statement was made, the PAC was examining in Karnataka the slow progress of irrigation projects. It was found out that even in that Irrigation Project, certain allotments made by the then Minister of Industries, Mr. Chanana—Mr. Tiwari was not the Minister of Industry at that time—were misused by the Karnataka Government. It involved a quantity of 10,000 tonnes of cement. The P.A.C. observed in this connection: "Now the Committee is surprised. Now it is not the Minister of Food and Civil Supplies who is holding the portfolio of Industry and cement distribution. In Karnataka it is the Minister of Industries and Director of Industries who allot *ad hoc* cement or whatever cement it has. They initiated proposals for this out-of-turn allotment and took special interest in the matter. The Government has sacrificed the public interest to favour a few apartment builders, that too in a discriminatory manner in gross violation of the prescribed procedure." Sir, the hon. Minister has stated in his statement that the procedure are quite foolproof. I do not want to quote them. Here it is said:

"The Committee held that the decision which was taken by the Chief Minister and the Minister for Food and Civil Supplies is highly improper and injudicious apart from being irregular. It is a case of undue favouritism and misuse of authority. The Committee are constrained to observe that the maxim

[Shri Arvind Ganesh Kulkarni]

quid pro quo must be the basis for distribution of cement in this manner which requires to be probed into in detail."

Sir, why I quoted this was that when the Karnataka Public Accounts Committee has stated this...

MR. DEPUTY CHAIRMAN: I think, you need not go into the details of the Committee because that is an Assembly Committee. It is not proper to make some observation and they...

SHRI ARVIND GANESH KULKARNI: Sir, Public Accounts Committee document is a public document. It is a public document and we are discussing a specific Calling Attention on maldistribution.

MR. DEPUTY CHAIRMAN: You need not take up this matter. . . .

SHRI ARVIND GANESH KULKARNI: Sir, it may be, perhaps, you may not like me to quote but I have to do my duty.

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MR. DEPUTY CHAIRMAN: It is not a case of my liking or not...

SHRI ARVIND GANESH KULKARNI: So, it is the Gunda Rao who is the Chief Minister of Karnataka...

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): It is Gundu Rao and not Gunda Rao.

SHRI ARVIND GANESH KULKARNI: Gunda Rao or whatever it is. He says...

MR. DEPUTY CHAIRMAN. Mr. Kulkarni is a senior Member of the House. If he says...

SHRI ARVIND GANESH KULKARNI: He says that if anybody proves any *quid pro quo*, he will resign immediately. I only want to draw your attention, Sir, that this is

a statement by the Chief Minister. And this is the observation of the Public Accounts Committee which is a responsible body. Then, Sir, what we find is that various matters were brought and I do not bring in this Karnataka affair itself. But, Sir, it is surprising—and I want to know this thing because now Mr. Tiwari is concerned—that here is a letter No. CC/CO21 dated 15th May, 1981 from Mr. Chanana declining the request for *ad hoc* allotment. I do not want to pass any reflection on Mr. Chanana because my friend is departing from this House for some time. So, I do not want to pass any reflection. Then, Sir, suddenly the interest was again revived and by another letter dated 2nd July, 1981, he replied saying that instructions have been issued to release 10,000 tonnes. Here, I want to know from the Minister that when it was declined by his first letter, what was the reason, what was the compulsion for your junior Minister at that time in July, 1981 to release an *ad hoc* allotment. And also, in that letter, he has mentioned—Sir, you do not want me to take much time—that it is for irrigation and Government purposes, and out of that cement, again the Apartment-holders got a priority. Then, Sir, leave aside this Karnataka which is just like a la Antulay affaire. Take Andhra Pradesh. Sir, the Andhra Pradesh Chief Minister, who recently resigned stated that the wrong allocation made by Mr. Baga Reddy, who was the Minister in the AP Government, is being enquired into by the Anti-Corruption Bureau. It is stated now that the case is closed. Sir, here is a photostat copy which states that the cement was allotted on the instruction of Mr. Baga Reddy. Now, the Chief Minister says that he will revive it. So, I want to ask the hon. Minister as I have asked earlier, whether he will, on his own, enquire with the Karnataka Government and the Andhra Pradesh Government as to what is actually happening in these cases.

Sir, he has now stated the new guidelines. I fully believe in you that you may like them to be implemented. And I would also like them to be implemented because I framed my questions on both the priorities which you have earlier reiterated. What has happened to that anti-corruption bureau investigation in Andhra Pradesh? Then, Sir, Gujarat and then Bihar. All these four States are the States where the Congress (I) Chief Ministers are ruling. Then, Sir, as you know, in the recent Chief Ministers meeting, only lip-service was shown to the implementation of the 20-point programme. The speeches were written by every Chief Minister unnecessarily wasting the paper and the time of the Planning Commission. But, anyway, this is the show that you have to carry on. I have got no objection. But, Sir, I want to know that when these priorities have been fixed up, you have to squarely find out the position. In the case of Mr. Antulay, the High Court has already taken care of. But in the case of others, those who belong to your party, you have to book them and I want to know what steps you will take in that connection, whether you will ask the State Governments to proceed against them and not shield the corrupt Ministers or corrupt officials. In this priority, Mr. Minister, we are given really a fairly concrete proposition of the priorities. What I want to know is the position about the small housing programmes that you have given here. But I have not found any mention being made particularly of my State Maharashtra. It is the Maharashtra Co-operative Housing Finance Society which provides loans to riddle classes building houses on 80 square feet or 80 square metre, plinth area. What is the provision about them? How will the cement be made available to the co-operative societies? Secondly, Sir, he has said something about small scale industries. It is quite all right. But if you want new investment to be made in large scale industries also,

cement has to be provided. Those who are borne on the D.G.T.D. list direct cement should be provided to them and not out of the State quota, because, Mr. Minister, I beg to you, at the State level, these large scale industries, medium industries, do not receive the same treatment, because the States have different priorities. But in the national priority, just like the co-operative sugar factory, co-operative spinning mill, large scale industry, they have got previously, for the last 20 to 25 years, cement at controlled rates and it was distributed or it was given directly from the Central quota to the industries which were licensed by the Industry Ministry. I am aware of it from my own experience. I say, if the investment has to take place, you have to take care of that.

Then, Sir, another aspect to which I would like to refer to is about your guidelines. The point is that there is a bias towards cities than the rural areas and mofussil areas. In my own State, which is supposed to be a progressive State, I find a bias being there in favour of large scale cities than rural areas. So, I would like to know whether you will pay special attention to rural housing, rural small industries or any industries coming up in the rural areas and you will meet their demands for cement.

So, Sir, I have asked you four specific questions. First, action against Karnataka Chief Minister. Andhra Pradesh Chief Minister...

MR. DEPUTY CHAIRMAN: Please do not repeat it.

SHRI ARVIND GANESH KULKARNI: I am not repeating it. I am only summarising.

MR. DEPUTY CHAIRMAN: He has got it. Mr. Minister, you please start.

SHRI ARVIND GANESH KULKARNI: If you want, you also help me, you also supplement me.

MR. DEPUTY CHAIRMAN: Yes, Mr. Minister.

SHRI NARAYAN DATT TIWARI: Sir, first of all, I am thankful to the hon. Member for his indirect support to the new guidelines that we have provided for. And, I am also hopeful that these guidelines will work and will ultimately provide some succour to the weaker sections of the society. His point regarding a bias towards rural sector is well taken and I have already made it clear to the State Governments that they should provide adequate quantity of cement for meeting the need of socially oriented schemes like rural housing, slum dwellers, Harijans, Adivasis and other poorer sections of the society, rural water supply schemes and other items included in the new 20-point programme. This emphasis has already been given in the guidelines.

SHRI ARVIND GANESH KULKARNI: What about the Delhi small housing programme around the Yamuna etc.? How that is being taken care of in this? I do not find anything about that. How do you want to take care of this?

SHRI NARAYAN DATT TIWARI: I have already had discussions with the hon. Member on certain matters requiring further priority consideration, and I would seek the advice of the hon. Member for a further modification of our priority policy if so required. He is also in the Consultative Committee of the Ministry of Industry and I think in the Consultative Committee also we would ponder over this matter and if any modifications are required after taking into consideration the views expressed by the hon. Members like our veteran Member Mr. Kulkarni, we will bring in such modifications suitably; we will then consider any possible modifications for the poorer sections of society.

As far as his specific mention about Karnataka is concerned, it is not for me to comment on the Resolution passed by a State Public Accounts Committee as it would not be proper for me in the Central Government to comment...

SHRI ARVIND GANESH KULKARNI: You mean you are conniving at the corruption.

SHRI NARAYAN DATT TIWARI: I am not here to criticise or comment on the Public Accounts Committee of a sovereign legislature. That is what I am saying. I am not conniving, nor is the hon. Member conniving. I am only placing the principles as they are.

As regards the letters of the Civil Supplies Minister of Karnataka, which the hon. Member has referred to, I agree that letters were sent. The hon. Minister of Food and Civil Supplies, Karnataka met the Minister of State for Industries at least once personally, and then a telex was received in the month of June 1981 from the Minister of Food and Civil Supplies to the Minister of State for Industries, which runs like this:

"Kindly refer my earlier request made during my last visit to Delhi. Cement supply position has become very precarious. Virtually large numbers of constructions have been held up, throwing hundreds of people out of job. Kindly allot at least ten thousand tonnes of additional quota during current quarter so that immediate requirements could be met. I shall be grateful if you could take immediate steps to allot additional ten thousand tonnes."

This telex mentions 'virtually large numbers of constructions'. Now, to this, the reply that was sent was:

"Reference your telex message No. 55/6 dated 6 June 1981 regarding additional allocation of ten

thousand tonnes to Karnataka State. Instructions have since been issued to release ten thousand tonnes of cement for Karnataka State in quarter second 1981 from silos of Krishna Vijaywada to be allocated to Government Departments for immediate lifting by road."

This is the telex that we sent.

Subsequently, it is for the Karnataka Government to distribute the additional quota given; it is not for us. It is in the State Government's discretion to distribute this additional ten thousand tonnes of cement, and we have not provided any guidelines...

SHRI ARVIND GANESH KULKARNI: You have said 'to Government Department' in your telex and letters.

SHRI NARAYAN DATT TIWARI: As far as we know, this ten thousand tonnes additional quota was lifted by Civil Supplies Corporation of the Civil Supplies Department of the Government of Karnataka and afterwards it is a matter for the State Legislature to consider the report of the Public Accounts Committee. As far as our information goes, the Chief Minister of Karnataka has given a long statement on the stand of the Government of Karnataka in this matter.

As regards Andhra...

DR. HAREKRISHNA MALLICK (Orissa): On a submission, Sir. The point I want to know is how this ten thousand tonnes of cement was utilised. We want to know.

SHRI NARAYAN DATT TIWARI: We do not ask for any explanation from the State Government because they have their own guidelines. Under section 3 of Essential Commodities Act, they are competent enough to

pass orders for distribution of supplies to various categories according to priorities that they have for their own State. We cannot fix their priorities, within their own State. Different States have reached different levels of development...

SHRI ARVIND GANESH KULKARNI: Can cement be diverted? You have said 'Government departments'. Can you, by any stretch of imagination, include a builder in that, a private builder? Please be fair to us. Please be fair to you and fair to me.

MR. DEPUTY CHAIRMAN: Do not carry on a dialogue. Let the hon. Minister complete his reply first.

SHRI NARAYAN DATT TIWARI: As I have said just now, these 19,000 tonnes of cement was lifted by the Civil Supplies Corporation of Karnataka. Our requirements were met because the Civil Supplies Corporation of Karnataka lifted this quantity of cement from these two godowns. (Interruptions)

SHRI RAMAKRISHNA HEGDE (Karnataka): This means, they can do whatever they like. (Interruptions)

SHRI NARAYAN DATT TIWARI: As far as Andhra is concerned, what the Chief Minister of Andhra Pradesh has mentioned about anti-corruption bureau and so on, well, it is for the Government of Andhra Pradesh to decide upon. It is not for us to interfere in this and say what the Andhra Government should do, what the Andhra Legislature should do and how the Andhra Legislature should behave. It is not for us to say.

As far as Bihar and Gujarat are concerned, the hon. Member has not referred to any specific complaints. (Interruptions)

SHRI ARVIND GANESH KUL-KARNI: It is the same story. The reply is the same from the Minister. (Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Minister, have you completed your reply?

SHRI NARAYAN DATT TIWARI: Yes, Sir.

श्री रामकृष्ण हेगड़े : मैं एक बात पूछना चाहता हूँ ।

श्री उपसभापति : आपका नाम नहीं है ।
You can pass on the information to Mr. Sezhiyan.

श्री बो० सत्यनारायण रेड्डी: (आन्ध्र प्रदेश) : उपसभापति महोदय, माननीय मंत्री महोदय ने कहा जो रूलज, रेगुलेशंस गाइडलाइंस निश्चित हैं उनके मुताबिक सीमेंट का बटवारा हो रहा है, यह अभी बताया है । मैं माननीय मंत्री महोदय का ध्यान इस तरफ दिलाना चाहता हूँ कि यह जो नयी पालिसी सीमेंट के बारे में सरकार ने बनाई है उसकी वजह से जो काटेज और टिनी सीमेंट बेस्ड इंडस्ट्रीज हैं उनको पुरे तरीके से नुकसान हुआ है और वे पूरी तरह से अनइम्प्लायड हो गये हैं । उनको सीमेंट नहीं मिल रहा है । कंट्रोल सेल में सीमेंट का भाव 30-35 रुपये हैं और फ्री सेल में सीमेंट 60 से 70 रुपये प्रति बोरी मिल रहा है । अखबारों में आपने देखा होगा । हिन्दू जो हैदराबाद से निकलता है, उसमें यह कहा गया है—

"In free sale, cement factories are demanding 50 per cent of the price in black and 50 per cent in white."

This demand can be fulfilled only by the *crorepatis* and not by small manufacturers.

जैसे काटेज, टिनी सीमेंट बेस्ड इंडस्ट्रीज हैं वे लोग इस भाव पर सीमेंट खरीद नहीं सकते हैं फ्री सेल में वे 60-70 रु० देकर इतने

ऊँचे रेट पर कभी नहीं खरीद सकते । जो सरकार की नयी पालिसी बनी है जिसकी वजह से यह जो छोटे-छोटे कारखाने हैं बन्द पड़े हुए हैं । नतीजा यह हो रहा है कि करीब पाँच लाख मजदूर काम करने वाले लोग बेरोजगार बन गये हैं । सरकार इन तमाम चीजों को देखते हुए क्या अपनी पालिसी को रिवाइज करेगी और वे लोग जो छोटे-छोटे कारखानों में काम करते हैं जो काटेज और टिनी सीमेंट बेस्ड इंडस्ट्रीज हैं, मैं स्माल स्केल इंडस्ट्रीज की बात यहाँ पर नहीं कर रहा हूँ जो काटेज और टिनी सीमेंट बेस्ड इंडस्ट्रीज हैं उनको सहायित्व पहुँचाने के लिए कोई रियायत देंगे आपने जो रिस्ट्रिक्शंस लगाए हैं उनको उठाया जाएगा । क्या आप इस तरह की सहायित्व देंगे ? क्या सरकार इनके बारे में अपनी पालिसी में तबदीली करेगी, इसके बारे में मंत्री जी साफ तौर पर बतावें ? मंत्री महोदय से मैं यह भी जानना चाहता हूँ कि वे यह भी बताएं कि सरकार जो सीमेंट अलाट करती है जिस चीज के लिए, जिस काम के लिए सीमेंट अलाट किया जाता है क्या यह सीमेंट दूसरी तरफ डाइवर्ट किया जा सकता है ? क्या आप यह मानते हैं कि उसको जरूरत पड़ने पर डाइवर्ट किया जाएगा, इसके बारे में मंत्री महोदय बताएं । सरकार की जो मौजूदा पालिसी है उसको रिवाइज करना पड़ेगा खास कर के उनके लिए जो सीमेंट की चीजें जैसे सीमेंट जाली बनाते हैं, सीमेंट ग्रीलज, सीमेंट पाइप्स, सीमेंट वाटर टैंक्स, सीमेंट ब्लाक्स, क्लै ब्रिक्स, सीमेंट टाइल्स वगैरह बनाते हैं यह तमाम चीजें सीमेंट से बनाई जाती हैं इसके लिए जरूरी है कि उनको पाँच फीसदी या 10 फीसदी सीमेंट का कोटा छोटे और टिनी सीमेंट बेस्ड इंडस्ट्रीज को अलाट किया जाए वरना मुल्क में भारी तदाद में लोग बेकार हो जाएंगे और छोटी-छोटी तमाम इंडस्ट्रीज बन्द हो जाएंगी ।

श्री नारायण दत्त तिहारी : श्रीमन्, सम्मानित सदस्य ने जो उल्लेख किया कि

जो सोमेंट पर आधारित छोटे उद्योग हैं उनको हमारी नयी नीति के आधार पर कठिनाइयाँ होंगी और उनके मजदूर बेकार हो जायेंगे श्रीमन्, हमारा यह उद्देश्य कतई नहीं है कि ऐसा हो। हमने तो यह किया है कि सोमेंट के कच्चे माल के ऊपर आधारित कई प्रकार के उद्योग और जिनकी इतनी क्षमता है कि वे खुले बाजार के दामों पर सीमेंट को प्राप्त कर सकते हैं .. (व्यवधान)

श्री बी० सत्यनारायण रेड्डी : वह तो 60 रुपये 70 रुपये.. (व्यवधान) 50 परसेंट ज्यादा है। हैदराबाद से मुझे एक मैमो-रेंडम मिला है वहाँ एक एसोसियेशन है, एसोसियेशन आफ द कार्टेज एण्ड टिनी सीमेंट वेस्ड इंडस्ट्रीज, आंध्र प्रदेश (एस एस आई) सोमेंट प्रोडक्ट्स मैन मैक्चरर्स एसोसियेशन हैदराबाद, उसने मुझे मैमो-रेंडम भेजा है .. (व्यवधान) आप तब तो उसकी एक कापी भी आपकी भिजावाँ .. (व्यवधान)

श्री उपसभापति : आपने पूछ लिया है ... (व्यवधान) आप उनसे सहमत हों, न हों जवाब सुन लीजिए ... (व्यवधान)

श्री बी० सत्यनारायण रेड्डी : श्रीमन् ... (व्यवधान)

श्री नारायण दत्त तिवारी : श्रीमन् वे तो सत्यनारायण हैं, जरा सत्य का कुछ उद्बोधन करें। मैं उनसे यह आग्रह करूँगा कि उनको जो आवेदन पत्र मिला है, उसको मेरे पास भिजवा दें मैं अवश्य उस पर विचार करूँगा ... (व्यवधान) आवेदन पत्र भिजवा दें ...

श्री बी० सत्यनारायण रेड्डी : पांच परसेंट जो राँ मैटिरियल की जिनको सहूलियत दी जाती थी उसको बंद किया गया है उसके बारे में आपकी नीति क्या है ... (व्यवधान)

श्री नारायण दत्त तिवारी : श्रीमन्, मैं अनुग्रहीत हूँगा सम्मानित सदस्य का कि वे कृपा करके जो उनके पास ... (व्यवधान)

श्री बी० सत्यनारायण रेड्डी : इसके अलावा मैंने जितने सवाल रोज किये उनके बारे में आपने नहीं कहा। जो पांच परसेंट, दस परसेंट जो छोटी इंडस्ट्रीज हैं . . . (व्यवधान)

श्री उपसभापति : इसी बात को कितनी बार आप कहेंगे ... (व्यवधान)

श्री बी० सत्यनारायण रेड्डी : उसको रिवाइज करने के लिए सरकार सोच रही है या ... (व्यवधान) उसके बारे में मैंने पूछा उन्होंने रिवाइज करने के बारे में नहीं कहा .. (व्यवधान)

श्री उपसभापति : वह हो गया, जवाब हो गया ... आप दिन भर दोहराये गे क्या ... आप बैठिये।

श्री बी० सत्यनारायण रेड्डी : कालिंग अटेंशन का मैंने कोई मसला उठाया है अब मंत्री महोदय वह जवाब देना चाहते हैं तो आप उनको रोक देते हैं तब तो कालिंग अटेंशन का कोई मतलब ही नहीं रह जाता है ... (व्यवधान) आप बताइये कालिंग अटेंशन कोई मतलब रखता है।

श्री उपसभापति : आप जवाब नहीं सुनेंगे तो क्या मतलब है ... (व्यवधान)

श्री बी० सत्यनारायण रेड्डी : वे जवाब दे रहे थे आप तो रोक रहे हैं ... (व्यवधान)

श्री उपसभापति : जवाब दे चुके हैं ... (व्यवधान)

श्री बी० सत्यनारायण रेड्डी : सरकार अपनी पालिसी को रिवर्राईज करना चाहती है या नहीं, यह एक ही सवाल है.. (व्यवधान) क्या सरकार इस सिलसिले में..

श्री उपसभापति : आप बार बार एक ही सवाल पूछ रहे हैं... वह जवाब हो चुका है मिस्टर इरा सेजियन।

श्री बी० सत्यनारायण रेड्डी : फिर कालिंग अटेंशन का कोई मतलब नहीं है.. (व्यवधान)

श्री उपसभापति : आप पुछिए, मतलब हो गया.. (व्यवधान)

श्री बी० सत्यनारायण रेड्डी : यह कोई तरीका नहीं है आपको इस तरह से नहीं करना चाहिए।

SHRI ERA SEZHIYAN (Tamil Nadu): Mr. Deputy Chairman, Sir, cement of late has acquired a quality of decementing in the Indian politics. It is bringing about the effect of destabilisation in the power structure of the States as well as at the Centre. Those who have been dealing with cement, one by one they are going out and in this way it has got a destabilising effect. I agree with the hon. Minister that the State Governments have certain powers within the order of the Act and it is not proper on our part to interfere in the autonomous powers of the State. It is left to the States to follow their own guidelines. Sir, I concede that, but 'cement' is an item included as a scheduled industry in the Industries (Development and Regulation) Act, 1951. Again by the Central Government order dated 24th November, 1962, cement is included as an essential commodity. Delegation of powers for distribution and fixation of prices etc. to State Governments was made by the Central Government vide their order dated 18th June, 1966, and more

specifically by the Cement Control Order of 1967. This shows that the Central Government has only delegated this power to the State Government. If there are any malpractices that have been reported, it is the duty of the Central Government to see that these powers of delegation are fulfilled correctly. Therefore, indirectly the Central Government is involved. Whenever malpractices are brought to the attention of the Central Government, it is the duty of the Central Government, as the primary authority, to look into those complaints, but I will confine myself only to those two incidents where the Central Government is directly involved. Regarding 10,000 tonnes allotted to the State of Karnataka, for which the hon. Minister has said that it has been specifically given, the Telex message given by the Minister of State for Industry, Mr. Chanana says:

"Your Telex message regarding additional allocation of 10,000 tonnes to the Karnataka State. Instructions have been issued for additional release of 10,000 tonnes of cement to Karnataka from Krishna-Vijayawada to be collected for the Government Departments..."

Therefore, it was meant for the Government Departments. The PAC has also clearly mentioned this:

"The Committee have examined this order both from the point of view of regularity and propriety Government of India had released the additional quantity of Cement as per request made by the State Government, specially for the Government Departments. It was therefore not open to the State Government to misapply and divert the allotment for other purposes"

To this, I would like to add one more thing. The same Report in para 32 says:

"After the approval of the Chief Minister, the orders of allotment to

the 30 Apartment Builders were confirmed and it was stated that the State Government were moving the Government of India for ratifying this action".

I want to ask: why should the State Government write to the Central Government to ratify their action if some irregularity happens against the original indent and the instructions given by the Central Government? Therefore, my specific question is whether the State Government of Karnataka has asked the Central Government to ratify the diversion out of 10,000 tonnes specifically asked for the Government Departments to some private apartment builders and whether the ratification has been done by the Central Government. The very fact that the State Government has applied for ratification, show that there is an irregularity which has to be reported to and rectified by the Central Government.

Regarding the State of Maharashtra, there also I will give only the specific case involving the Central Government directly. This is the judgement of the Bombay High Court in the Cement Case. There, as I mentioned earlier, the way in which the cement has been distributed should invite the attention of the Central Government. In para 4, the learned Judge has said:

"And the principle involved is that there can be no *quid pro quo* in allotment of an essential commodity, however laudable the object of the charity donated to may be considered to be. It cannot be said in defence or mitigation that the donations were openly received by cheque and are accounted for by the Trusts or that they did not go into the pocket of the 2nd Respondent (the Chief Minister) himself. None of this would make any difference. It would even have made no difference had the 2nd Respondent (the Chief Minister)

not been connected with these Trust. That he is, makes it worse".

Again in para 48, it has been stated:

"It is impossible to hold that allotment of an essential commodity like cement for donations is reasonable or conducive to public interest. Arbitrariness and malafides are writ large."

So there has been malafide, arbitrary distribution of an essential commodity which comes within the powers of the Central Government and the Central Government is there to take note of this. I would like to quote one specific case where the Central Government is directly involved where in an arbitrary manner the cement has been provided on a *quid pro quo* basis—that of M/s. Makers Development Services (P) Ltd. On 22-6-81, they applied for 2400 metric tonnes, on which allotment was made of 400 metric tonnes per month for a period of six months. On this, the learned Judge has stated in para 38(D):

"Makers Development Services (P) Ltd. were allotted 500 tonnes on 23rd, April, 1981, 20 tonnes on 4th May, 1981 and 400 tonnes on 23rd June 1981, aggregating to 920 tonnes. Two days later Makers made a donation of Rs 4,00,000 to one Trust on 25th June, 1981 and a week later on 1st July, 1981 made a donation of Rs. 2,00,000 to the other Trust."

DR. RAFIQ ZAKARIA (Maharashtra): Sir, this matter is in appeal and is therefore *sub judice*. Whether one can go into... (*Interruptions*)

SHRI ERA SEZHIYAN: We are not going into the merits.

DR. RAFIQ ZAKARIA: After Justice Lentin's judgement was delivered, the matter has gone into appeal and the appeal has been

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admitted. Therefore, Sir, according to our rules, something which is *sub judice* cannot be discussed in the House.

MR. DEPUTY CHAIRMAN: Leave it at that.

SHRI ERA SEZHIYAN: I am not going into the merits; I am not commenting on the conduct of the Judge.

MR. DEPUTY CHAIRMAN: The matter is *sub-judice*. That is not the final judgement. (*Interruptions*).

SHRI RAMAKRISHNA HEGDE: The judgement is a public document.

DR. RAFIQ ZAKARIA: They have gone in appeal. (*Interruptions*)

SHRI RAMKRISHNA HEGDE: Doesn't matter.

DR. RAFIQ ZAKARIA: They have gone in appeal and once the appeal is admitted, it becomes *sub judice*

MR. DEPUTY CHAIRMAN: That point is quite clear.

SHRI ERA SEZHIYAN: In this affair, I am just quoting the fact. In this connection, how the Central Government...

MR. DEPUTY CHAIRMAN: That point is clear. You put the question.

SHRI ERA SEZHIYAN: I am just quoting this one: "Though R A. Maker has made an affidavit, he has not chosen to explain this sudden munificence and outbursts of charity the very next day of the allotment of 400 tonnes and again a week later." In para 33 of the judgement, the Judge has referred to the involvement of the Central Government. I am only quoting it.

MR. DEPUTY CHAIRMAN: What the Judge has said is not final.

SHRI ERA SEZHIYAN: I want to know from the hon. Minister whether allocation has been granted on specific instructions from the Joint Cement Controller, New Delhi, by his letter dated 13th April, 1981.

DR. RAFIQ ZAKARIA: These are all the issues in the appeal. How can he refer to them even?

SHRI ERA SEZHIYAN: I want to know whether it is a fact that the Joint Cement Controller, New Delhi, has issued specific instructions to the State Government by his letter dated 13th April, 1981 to allot 2,400 metric tonnes at the rate of 400 metric tonnes per month. I want to know whether it is a fact or not and, if it is so, on what basis the Central Government has been issuing it.

MR. DEPUTY CHAIRMAN: That is in litigation.

SHRI ERA SEZHIYAN: This is matter of fact.

DR. RAFIQ ZAKARIA: Then I don't understand what *sub judice* is.

SHRI ERA SEZHIYAN: Whether he has written a letter or not.

(*Interruptions*)

SHRI RAMAKRISHNA HEDGE: I don't know why Dr. Zakaria is protesting so much... (*Interruptions*). He is a trustee of this... (*Interruptions*)...

SHRI ERA SEZHIYAN: I simply want to know... (*Interruptions*)...

SHRI RAMAKRISHNA HEDGE: You are a trustee.

DR. RAFIQ ZAKARIA: This kind of a reflection does not become a senior Member like Mr. Hegde...

(*Interruptions*)

SHRI ERA SEZHIYAN: Simply I want to know whether it is a fact that the Joint Cement Controller has written a letter to the State Government, instructing them to issue

2,4000 metric tonnes at the rate of 400 metric tonnes per month. I want to know the basis of the Government's instructions.

SHRI NARAYAN DATT TIWARI: I have great respect for the laborious capacity and erudition that the hon. Member possesses but he knows that whatever allocations are made by the State Government in their wisdom within the guidelines framed by them, they also have to write to the Cement Controllers—the Regional Cement Controller or the Joint Cement Controller—and then the Joint Cement Controller issues an authorisation to the factory concerned. So, it is automatic. Whatever allocations are made by the State Government bulk allocations are also made accordingly by the orders of the Regional Cement Controller or the Joint cement Controller. . . (*Interruptions*) . . It is also under the Cement Control Order, 1967 issued under authorisation of the Industries (Development and Regulation) Act, sections 18 and 25. So, the Cement Control Order itself specifies: 'Provided the Central Government may authorise a State Government to decide, subject to such conditions as it may specify and within the total quantities of cement allocated to the State Governments by the Central Government from each of the cement producers, the details of the allottees and the quantities to be supplied to each of them by each of the cement producers.' This is delegated power to the State Government and the State Government can write to the Regional Cement Controller or the Joint Cement Controller and they are bound under this order to issue authorisations to individual cement producers according to that particular order.

SHRI ERA SEZHIYAN: This refers to the Joint Cement Controller, New Delhi—not the Regional Cement Controller at Bombay.

MR. DEPUTY CHAIRMAN: He is also saving "Joint Cement Controller."

SHRI HAREKRUSHNA MALLICK: For whom? We are not able to know. . . (*Interruptions*) . . We want to know what action the Government is taking.

SHRI NARAYAN DATT TIWARI: The Joint Controller's letter said that it could not be given out of the Central quota. If the State Government wanted to give out of their quota, it was for them to do so.

SHRI ERA SEZHIYAN: About Karnataka, I wanted to know whether they had received a letter from the State Government for rectification of their action. . .

MR. DEPUTY CHAIRMAN: That he has clarified, that, the Joint Controller. . . (*Interruptions*)

SHRI ERA SEZHIYAN: He has not clarified. Let him clarify.

MR. DEPUTY CHAIRMAN: No, he said that. It was quite clear.

SHRI RAMAKRISHNA HEGDE: Sir, don't take responsibility upon yourself.

MR. DEPUTY CHAIRMAN: I am not taking. . .

SHRI RAMAKRISHNA HEGDE: He is the Minister in-charge. It is for him to. . .

MR. DEPUTY CHAIRMAN: He has replied to that point. (*Interruptions*). Doesn't matter. He has said it.

SHRI ERA SEZHIYAN: It matters very much, whether the State Government. . . (*Interruptions*).

MR. DEPUTY CHAIRMAN: The record is there. The reply is there. He has replied to that point.

SHRI ERA SEZHIYAN: He has not replied to that, whether the State Government had written a letter for rectification. . .

MR. DEPUTY CHAIRMAN: It is their discretion to allot to anybody. But if they want authorisation... (Interruptions).

SHRI RAMAKRISHNA HEGDE: The State Government has written to the Central Government. (Interruptions).

MR. DEPUTY CHAIRMAN: That is not the point. (Interruptions) I am sorry. . .

SHRI ERA SEZHIYAN: My point is whether the State Government has written a letter asking for rectification of diversion out of 10,000 tonnes given by the Central Government. (Interruptions).

MR. DEPUTY CHAIRMAN: Just a minute. I think there is some confusion. (Interruptions) Let me tell you. (Interruptions) Don't interrupt. The Minister has repeatedly said that he makes allocation to the State Governments. It is for the State Government to distribute it in accordance with the priorities fixed by the State Government. It is none of their business to go into the details of the priorities. He has said it, if I have understood him correctly.

SHRI ERA SEZHIYAN: The question is whether they have asked for rectification. (Interruptions).

MR. DEPUTY CHAIRMAN: I think you please explain in detail; otherwise, they will put the same question again and again.

SHRI ERA SEZHIYAN: Let me explain my position.

MR. DEPUTY CHAIRMAN: Mr. Era Sezhiyan, your point is very clear.

SHRI ERA SEZHIYAN: There are two kinds of allotment, as he said. One is regular allotment which is....

MR. DEPUTY CHAIRMAN: Regular or irregular. Every allotment is there.

SHRI ERA SEZHIYAN: There is additional allotment for a specific purpose. It is violating the specific purpose. It should be spent only for that purpose.

MR. DEPUTY CHAIRMAN: You are mistaken, Mr. Era Sezhiyan. It is not for a purpose. (Interruptions) It is to be collected by the State authorities. He said it, that it was collected by the State Civil Supplies Department. Please see the word 'collect'. Don't confuse the two words. Mr. Minister, please go on. (Interruptions).

SHRI ERA SEZHIYAN: In June 1981 the Government of India... (Interruptions)

MR. DEPUTY CHAIRMAN: You are misreading the whole thing.

SHRI ERA SEZHIYAN: Ten thousand tonnes were allotted for a specific purpose.

MR. DEPUTY CHAIRMAN: No.

SHRI ERA SEZHIYAN: Yes, Sir.

MR. DEPUTY CHAIRMAN: Will you read the letter? (Interruptions) Please take your seat. Read that letter.

SHRI ERA SEZHIYAN: "In this connection, the Committee learnt that in the second quarter of 1981..."

MR. DEPUTY CHAIRMAN: No, not that. Read the letter of Chanana, the reply from Chanana. Read that letter. Then you will know what the reply is. "To be collected by the Government or the Government Department"; not "by,, but for the Government Department". Read the whole thing.

SHRI ERA SEZHIYAN: "To the Minister of Civil Supplies, Government of Karnataka, Bangalore from

Dr. Charanjit Chanana, Union Minister of State for Industry, Government of India, New Delhi." I quote: "Your telex message...regarding additional allocation of 10,000 tonnes to Karnataka State. Instructions have been issued for additional release of 10,000 tonnes of cement to Karnataka from Krishna, Vijayawada to be collected for the Government Departments for immediate lifting by road." It is "for the Government Departments" not "by the Government Departments".

SHRI NARAYAN DUTT TIWARI: We have not received any request for rectification. Only the Government of Karnataka had informed us that they had decided to allocate 4,000 tonnes to apartment builders.

(Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Dinesh Goswami

SHRI RAMAKRISHNA HEGDE: Sir, if the State Government misuses the cement given ..

MR. DEPUTY CHAIRMAN: Mr. Dinesh Goswami

SHRI RAMAKRISHNA HEGDE: ...allotted by the Central Government, the Central Government cannot take any action.

MR. DEPUTY CHAIRMAN: That point does not arise. Mr. Dinesh Goswami.

SHRI RAMAKRISHNA HEGDE: I want to know whether they are concerned with it or not.

SHRI DINISH GOSWAMI (Assam): Mr. Deputy Chairman, Sir, it is extremely unfortunate that political corruption is creeping in the distribution of cement, in which high authorities of the States are getting involved. Going through the statement made by the hon. Minister, I find:

"The Central Government's responsibility in the matter extended only up to the stage of making bulk allocation. From the quan-

tum of cement pre-reserved, no diversions to non-priority sectors were permitted without the prior approval of the Central Government. In regard to distribution of cement by the State/Union Territories Governments to the sectors falling within their jurisdiction, as the inter-sectoral priorities would differ from States to States..."

When there are the specific guidelines by the Central Government and when they make part allocation in accordance with the specific guidelines, am I to understand from the reply of the hon. Minister that the State Governments are in a position to flout those guidelines? My first question is: There are the specific guidelines. You have stated about the new guidelines. On 28-2-1982 the new guidelines have come into operation. When you make allocation of cement, do you mean to say that the State Governments decide on their own, completely ignoring the guidelines and that the Government of India has no role to play? In that case why did you issue the guidelines? Am I to understand that even in a scarce commodity like cement, for which you have given certain guidelines, the State Governments can make all sorts of corruption and corrupt use? The Minister of Government of India comes and says, "After all cement has been made available to the State and I have no role to play in making the inter sectoral priorities of the State Government when these 10,000 tonnes of cement was allotted to the State Government."

My first question is: When there is the shortage of cement in the entire country even for the priority sectors, is it the case of the Government of India that so far as the 10,000 tonnes of cement is concerned, it was allotted to the Government of Karnataka for the non-priority sector? Am I to understand that Mr. Charanjit Chanana, the Minister of State for Industry, even knowing fully

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well that there is absolute dearth of cement for the priority sectors, for your 20-Point Programme, did make the allocation of the 10,000 tonnes for the non-priority sector? Is it the stand of the Government of India? If not, if it was meant for the Government use, how do you justify the diversion of these 10,000 tonnes to the non-priority sectors, particularly the construction of the high buildings?

Sir, the facts relating to Karnataka show that in matters of cement allocation for irrigation there are shortfalls to the extent of 20 per cent, 23 per cent, whereas in the case of the construction of the high buildings by persons who did not submit the utilisation certificates, in the last quarter the allocation was 245 per cent. For the priority sector of irrigation, cement could not be supplied by the Government, but for the bulk consumers, for the commercial construction, to those persons who did not submit their utilisation certificates, to those persons whose cases were objected to by the Government officials, the percentage in 1979-80, 75 per cent; 1980-81, 153 per cent; 1981-82, first quarter 100 per cent, second quarter 107 per cent and the third quarter 245 per cent. Therefore, my two specific questions are: Am I to understand that the Government of India, while making the allocation of these 10,000 tonnes of cement to Karnataka, did it completely ignoring the priority sectors and made it available to the State Government to do whatever it thought proper? If not, what action are you taking for diverting these 10,000 tonnes of cement from the priority sectors to the non-priority sectors? Now, my second question will be: will the Minister enlighten this House what the price differentiation today is between levy cement and non-levy cement? What price differential does he expect? Is it not a fact that in many places of the country the price of cement has already shot up to double the rate of levy cement?

SHRI NARAYAN DATT TIWARI:

Sir, the telex sent by the State Government and the reply sent by my learned colleague, the Minister of State, does not mention that it is for the priority sector. It mentions 'Government Department.' It is not a case of diversion from a priority sector to a non-priority sector. It is not a question of priority, because, as I have already mentioned in my statement...

SHRI ARVIND GANESH KULKARNI: Is it your case that a Government department is non-priority? Please enlighten us.

SHRI NARAYAN DATT TIWARI: I expect the veteran Member to defend all good causes...

SHRI ARVIND GANESH KULKARNI: Why are you defending the Chief Minister?

MR. DEPUTY CHAIRMAN: But may I ask you are attacking everybody?

SHRI NARAYAN DATT TIWARI: As far as the priority sectors of irrigation and power are concerned, these are monitored by the Central Water Commission under the Ministry of Irrigation and the Central Electricity Authority. (Interruption). I have mentioned it in my statement itself. As regards the question of price of cement, well, it is difficult to agree with the honourable Member that the prices of cement have shot up in the country. As a matter of fact, the prices have gone down. In South India the average prevailing price is Rs. 55, in Bombay it has come down to Rs. 68 to Rs. 70, in Delhi ACC is supplying at Rs. 65. Cement Corporation Rs. 62, Calcutta round about Rs. 62. So, the prices have actually come down since the partial decontrol was announced.

SHRI DINESH GOSWAMI: One part of my question has not been answered. If it was allocated for the Government departments, has the

Central Government no role to check whether the Government departments have received it and whether the same has been used or not by the said Government departments? Is it the case of the central Government that they cannot take any action? If so, what is the use of such guidelines?

SHRI NARAYAN DATT TIWARI: Within the State there are guidelines prescribed only by the State Governments concerned. . . . (Interruptions).

MR. DEPUTY CHAIRMAN: Now Dr. Zakaria.

DR. RAFIQ ZAKARIA: I agree with, Mr. Dinesh Goswami that when guidelines are prescribed there must be some machinery with the centre to find out whether these guidelines are faithfully being adhered to by the States or not. In fact, if there was some kind of a review and check, many of the unfortunate incidents which took place, could have been perhaps avoided. Therefore, I find from the statement itself that additional ad hoc allocations are primarily given to the States for meeting one requirements of floods, cyclone, drought relief and other emergent needs. When these specifications have been made, it is necessary that the Minister devises a certain method by which at least he is kept informed as to how these allocations have been made. Now I must congratulate the Minister on the new policy of partial decontrol. That has been done to a very great extent to ease the situation. Coming as I do from Bombay, I find that a lot of the activities, undesirable activities which were going on in the market, have more or less stopped. In fact, there was a time when the market price of cement that prevailed in Bombay was as high as Rs. 120; today, as the Minister has stated, it has come down to almost Rs. 65 to Rs. 70 and I am sure with the new pattern of partial decontrol

that has been implemented, the prices will come down still further, because the imported cement, which I understand is in the pipeline of both STC and the Steel Authority, is going to be released in the free market. If that happens, it will have a very good effect on the market in case there is manipulation by the cement manufacturers to raise price.

I would like to know as to how this levy cement under partial decontrol is still to be operated and whether there will be some kind of check and review in the allocation of this cement in view of our experience in the past. What happens is that sometimes even innocent directives are misused. In Bombay I understand that cement is to be allotted to low income group housing whose plinth areas is supposed to be not more than 80 sq. meters. In Bombay there is no building of this dimension. We have skyscrapers and we have flats. I understand that cement authorities are not releasing any cement even for this purpose because of the confusion that has arisen whether it is plinth area of the flat or the building. I am pointing out to the Minister that in view of these vague directives, lot of damage is being done. The Minister said that it is left to the best judgement of the State Governments. I think the time has come when the best judgements of the State Governments should be scrutinised in the larger interests of the nation as such.

My last point is about mini-cement plants. Under the partial decontrol order mini-cement plants have been free of both price control and distribution control. I understand that there are still some old mini-cement plants on which some kind of control is sought to be maintained. When we are liberalising the whole thing, these controls on these plants are caused all this havoc.

SHRI NARAYAN DATT TIWARI: I am very thankful to the hon. Member for his support to our new cement

[Shri Narayan Dutt Tiwari]

policy. We are also hopeful that our objectives of better productivity, greater momentum in the establishment of new capacity in the cement industry, generation of adequate internal resources for modernisation of units, conversion of wet plants into dry plants and installation of precalcina-tors will be ultimately achieved.

As far as guidelines are concerned, the question of our prescribing guide-lines is a complicated matter. In such a vast country as ours, sitting here in Delhi, we cannot prescribe priorities of remote States, regions and Union Territories. In such matters we have to give the states a leeway. . .

DR. RAFIQ ZAKARIA: Only check and review.

SHRI RAMKRISHNA HEGDE: All the projec's have come to a grind-ing halt in Karnataka... (*Interrup-tions*)

SHRIMATI MARGRET ALVA (Karnataka): Let the Minister ans-
wer. Why do you stop him.

SHRI NARAYAN DATT TIWARI: As far as plinth area is concerned, the position is very clear. We have said residential houses having a plinth area of more than 80 sq. meters will not be entitled to levy cement.

DR .RAFIQ ZAKARIA: In Bom-bay you cannot have a house of that size. It is impossible. We have build-ings. Therefore, you must specify.

SHRI NARAYAN DATT TIWARI: I have taken note of the suggestion made by the hon. Member. Regarding mini-cement plants, there will be no price or distribution control on mini-cement plants. All mini-cement plants except those set up by the MRTTP houses shall be free from the price and distribution control and the mini-cement plants will be eligible for such Excise duty exemptions as the Govern-ments would decide.

DR. RAFIQ ZAKARIA: What about those houses which are MRTTP ones and whose mini-plants have been taken out of the MRTTP group?

SHRI NARAYAN DATT TIWARI: These incentives are not admissible to mini-cement plants set up by MRTTP Houses.

MR. DEPUTY CHAIRMAN: Yes, Mr. Joshi.

श्री जगन्नाथराव जोशी (दिल्ली) : उपसभापति महोदय, इस समय सरकार ने 1982 का वर्ष उत्पादकता वर्ष मनाने का निश्चय किया है। किस मुहूर्त और किस क्षण में किया मुझे मालूम नहीं। आजकल जो भ्रष्टाचार का बोलावाला है उसका न्यायालय के सामने जाकर पता लगा और आगे चल कर आंध्र प्रदेश, कर्नाटक में क्या हुआ यह पता लगने के बाद ऐसा लगने लगा है कि यह उत्पादकता वर्ष भ्रष्टाचार उत्पादकता वर्ष होगा।

जहां तक सरकार की नीति का सवाल है अभी दोहरी नीति के बारे में हमारे मित्र डा० रफीक जकरिया ने बड़ी शाबाशी दी। किन्तु ...

SHRI ARVIND GANESH KUL-
KARNI: Do you mean to say that it is corruption-oriented production?

श्री जगन्नाथ राव जोशी : उप-सभापति महोदय, दिल्ली में आज इसको जिम्मेदारी केन्द्रीय सरकार पर है और अभी उन्होंने कहा कि हमारे बीस सूत्र कार्यक्रम 20 प्वाइंट प्रोग्राम सारी बातों की ओर ध्यान दिया गया है। महोदय, एक जनवरी से लेकर 31 मार्च तक दिल्ली में 80 हजार टन खुली बिक्री के लिये सीमेंट आना था किन्तु शायद इसका सीमेंट के उत्पादन करने वालों को पता लग गया होगा कि दोहरी नीति इस बारे में आने

वाली है इसलिये पहले दो महीनों में जन-वरी और फरवरी में मुश्किल से 30 हजार टन सीमेंट आया और आज जब दोहरी नीति हो गई तो ब्लैक में जो प्राइस यहां 65-68 रुपये थी वह बढ़कर 70-75 रुपये हो गई है। ऐसी हालत में आम आदमी को दिल्ली में सीमेंट देने का क्या प्रबन्ध आपने किया है? जो सीमेंट यहां है वह फाइव स्टार होटलों और और फलाई, इसमें दे रहे हैं जहां पर लगातार दिन रात काम चल रहा है और सामान्य आदमी को मरम्मत करने के लिये सीमेंट मिल नहीं रहा है, परेशानी बढ़ रही है। यहां कितनी ऐसी बातें हैं और कारपोरेशन या मेट्रो-पोलिटन काउंसिल के चुनाव आप यहां कराना नहीं चाहते हैं। इसलिये काम से काम दिल्ली में आपकी जिम्मेदारी है। कर्णाटक, आन्ध्र प्रदेश और महाराष्ट्र में तो आपकी सोधी जिम्मेदारी नहीं है पर दिल्ली में जहां आपकी जिम्मेदारी है वहां सामान्य आदमी को सीमेंट उपलब्ध कराने का आपने क्या प्रबन्ध किया है? फ्री सेल में देने का कोई मतलब नहीं, फ्री सेल में आम आदमी खरोद नहीं सकता, इसलिये आप खुद इसका फैसला करें।

दूसरी बात, आन्ध्र प्रदेश में जब सीमेंट के वितरण के बारे में खुद भूतपूर्व मुख्य मंत्री टों अंजैया ने पता चला कि इसमें गड़बड़ी हुई है तो उन्होंने इन्क्वायरी कराई, जांच कराई और उसके बाद इस निष्कर्ष पर पहुंचे कि प्राइमाफेसी कैसे बनता है। कर्णाटक में जब जांच आती है तो उन्होंने कह दिया कि हमने उनको दे दिया आगे वह क्या करते हैं हमको मालूम नहीं। लेकिन 1967 का जो ऐक्ट है उस ऐक्ट में साफ दिया है कि इस बारे में जिम्मेदारी केन्द्र की है।

"About power to direct disposal of stocks, "the Central Government move

with a view to securing proper distribution,"

कैसे किया जाय, इसके बारे में केन्द्र की जिम्मेदारी है।

"...may issue such orders, general or special, as may be necessary to anybody for the disposal of the stocks."

SHRI ARVIND GANESH KULKARNI: Joshiji, it is not applicable to the Congress (I) Chief Ministers.

SHRI JAGANNATHRAO JOSHI: But it is not in that.

लोक लेखा समिति की रिपोर्ट को उपसमापति महोदय, मुझे कोट करने दीजिये।

श्री उपसमापति : हो गया है अब समाप्त कीजिये।

श्री आचार्य राव जोशी : इसमें साफ शब्दों में बताया गया है कि :

"The Committee have to thoroughly examined all aspects of the irregularities, favouritism and misuse of authority in the distribution of cement which is a scarce commodity required for use in general government works in violation of the rules of procedure prescribed by the Government of India and the States."

यानी रूल जो बाइलेट हो गये हैं तो प्रोसीजर केन्द्र का भी होगा और प्रदेश का भी होगा। दिल्ली में सीमेंट इन्होंने क्यों दिया ताकि दिल्ली के वरकर्स बेकार न हों और यहां कंस्ट्रक्शन का काम चलता रहे। किन्तु कर्णाटक में जो हेण्डे साहब ने बताया मालप्रभ, घटप्रभ, हेमवती और हरिणी में सब काम ठप्प है तो क्या वहां पर वरकर्स बेकार नहीं हैं? केवल बड़े बड़े 5 स्टार होटलों के वरकर्स ही बेकार होते हैं वहां के वरकर्स बेकार नहीं होते? जो सीमेंट प्रायोरिटी सेक्टर

[श्री जगन्नाथ राव जोशी]

के लिये दिया गया था, उसका दुरुपयोग हुआ यह भी लोक लेखा समिति ने कहा है। तो मैं सरकार से जानना चाहता हूँ कि क्या सरकार को कोई जिम्मेदारी नहीं है। जो आपने आबंटन किया है वह ठीक ढंग से नहीं हुआ तो क्या सरकार को कोई जिम्मेदारी नहीं होती? मैं यह आग्रह करता हूँ कि जब केरल और तमिलनाडु में स्फिरिट स्केडल हुआ तो सरकार ने जांच कराई (व्यवधान) ऐसा नहीं कि होता नहीं है (व्यवधान) कर्णानिधि सरकार को जब पता चला कि भ्रष्टाचार है तो सरकार को उन्होंने समाप्त कर दिया और जांच कराई (व्यवधान) वे खुद कह दें। मैं कोट करता हूँ :

“Therefore, the Committee recommends that it is a fit case for inquiry under the Commission of Inquiry Act.”

जब लोक लेखा समिति ऐसा कहती है कि सरकार (व्यवधान) इसलिये मैंने उदाहरण यह दिया कि केरल और तमिलनाडु के स्फिरिट स्केडल में सरकार ने अपनी जिम्मेदारी निभा कर जांच कराई। तो आन्ध्र प्रदेश में जब खुद भूतपूर्व मुख्यमंत्री, लोक लेखा समिति तथा महाराष्ट्र में न्यायालय ने बताया ऐसी स्थिति में मैं जानना चाहता हूँ कि इसकी जांच कराने की जिम्मेदारी आप लेंगे या नहीं? दिल्ली वालों की जो परेशानी है उसके लिये आप कोई व्यवस्था करेंगे (व्यवधान)

श्री उपसभापति : आप तो दिल्ली और आन्ध्र प्रदेश दोनों को ही ...

श्री नारायण दत्त तिवारी : श्रीमन्, अत्यंत आदरपूर्वक सम्मानित सदस्य ने जो कहा भ्रष्टाचार उसके विषय में मैं कहना चाहूंगा कि यह उत्पादकता वर्ष है। मैं उन जैसे विरिष्ठ सदस्य से यह आशा नहीं करता था कि उत्पादकता के प्रश्न को

जिसको उन्होंने स्वीकार किया है कि उत्पादकता बढ़नी चाहिये तो वे उसको भ्रष्टाचार या उसके कुछ और उदाहरणों को देकर उसके महत्व को कम करेंगे यह मुझे आशा नहीं थी। श्रीमन् मैंने जो कुछ संसदीय पद्धति का पाठ पढ़ा है, श्रीमन् मैं यह धृष्टता नहीं करूंगा कि कर्णाटक विधान सभा की लोक लेखा समिति के निर्णय के संदर्भ में टीका टिप्पणी करूंगा। श्रीमन् मैंने सदन के श्रीचरणों में ऐसा ही सीखा है। संसदीय परिपाटी में यह उचित नहीं है कि मैं राज्यों की पब्लिक अकाउंट्स कमेटियों के उपर टिप्पणी करूँ।

श्री जगन्नाथ राव जोशी : मैं टिप्पणी के लिये नहीं कह रहा हूँ। मैंने यह कहा कि उसको देख कर केन्द्र अपनी जिम्मेदारी... He is unnecessarily misquoting me. I do not know... (Interruptions)

श्री उपसभापति : उनको जवाब देने दीजिये। (व्यवधान) इसका जवाब तो वे दे चुके हैं (व्यवधान)

डा० भाई महावीर (महाराष्ट्र) : वे जवाब देते नहीं (व्यवधान) आप उनको जवाब देने देते नहीं हैं (व्यवधान)

श्री जगन्नाथ राव जोशी : हमने उनका कमेंट नहीं मांगा। हमने यह कहा है आप अपनी जिम्मेदारी स्वीकार कीजिये (व्यवधान)

डा० भाई महावीर : केन्द्रीय सरकार का कोई कर्तव्य है (व्यवधान) केन्द्र सरकार के कानून का उल्लंघन हुआ है, यह कह दें कि नहीं हुआ है (व्यवधान)

श्री जगन्नाथ राव जोशी : मैंने दिल्ली के बारे में पूछा था (व्यवधान)

श्री उपसभापति : दिल्ली के बारे में आप इंट्रेस्टिड नहीं हैं... (व्यवधान)

श्री नारायण दत्त तिवारी : श्रीमन् मैं उस से अहमत्त हूँ। अहमति व्यक्त करने की मैं धृष्टता कर रहा हूँ। श्रीमन् माननीय सदस्य ने कहा कि दिल्ली में सीमेंट की कीमत बढ़ी है। दिल्ली में सीमेंट की कीमत नहीं बढ़ी है। दिल्ली में सीमेंट की कीमत कम हुई है। जहाँ तक दिल्ली के सामान्य उपभोक्ताओं को सीमेंट देने का प्रश्न है जो हमने नयी नीति बनाई है वास्तव में जो उपभोक्ता है उनके लिये यह अधिकार वितरण का दिल्ली प्रशासन को है और मैं आशा करता हूँ कि आपकी भावनाओं को देखते हुए उसका प्रबन्ध होगा (अवधान) एशियाड के लिये अलग है, फुनाई-प्रोवर्ज के लिये अलग सीमेंट है।

श्री कलराज मिश्र (उत्तर प्रदेश) :
दिल्ली में तो कोई प्रशासन है ही नहीं।
(अवधान)

SHRI AMARI ROSAD CHAKRABORTY (West Bengal): Mr. Deputy Chairman, now it seems that it is the accepted policy that the Central Government has to do something regarding the allocation of cement in the priority and non-priority sectors. And it is admitted in the policy statement that:

"The Central Government's responsibility in the matter extended only up to the stage of making bulk allocations. From the quantum of cement pre-reserved, no diversions to non-priority sectors were permitted without prior approval of the Central Government."

So, the hon. Minister's reply seems to be very intriguing. The Central Government has the power even in the non-priority sector. If there is diversion from the reserved quota, then the Central Government must take the necessary steps as my friend was pointing out here. The Central Government has not taken up this responsibility of taking the necessary steps. Sir, another difficulty has arisen. The hon.

Minister has made a policy statement about free sale. In the free sale market, it is going to be sold at the rate of Rs. 65 or Rs. 70 per bag instead of Rs. 30 or Rs. 35—at Rs 70 in the legalised blackmarket price.

Regarding Central supply, I will give a specific case. In our State of West Bengal, the Essential Commodities Supply Corporation has taken the responsibility of supplying cement to small scale industries, reserved sector and other sectors. They already received money as per instruction after the policy statement made in February. Now, out of 2.58 lakh metric tonnes only 1.65 lakh metric tonnes have been supplied. The balance quota of 93 lakh metric tonnes is still pending. In our States, there is no allegation from any quarter regarding supply of cement to the priority sector and also to the non-priority sector. Would the Minister kindly look into the matter? This Calling Attention regarding distribution in different States. I suggest that it should not be inequitable distribution. I would ask whether the Minister would take steps regarding the inequitable distribution to West Bengal as per the accepted policy of the Government.

Secondly, there is another allegation. Some manufacturers such as Birla Cement Works, Khorai and Udaipur Cement Works, Udaipur, are demanding Rs. 25/- extra. The Small Scale manufacturers have already approached them asking them to supply their quota. Will the Central Government look into the matter and interfere?

SHRI NARAYAN DUTT TIWARI: Sir, the guideline is very clear. There are three sectors for which cement quota has been reserved in favour of State projects. These are irrigation sector, power sector, and small scale industry sector. For the irrigation sector, the allocation is monitored by the Central Water commission. The quota is flexible in certain cases. For example, in monsoon season, in some

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States, the quota may be lesser for irrigation works at that point for that quarter. They might have additional quota for other non-priority sectors. This sort of flexibility has to be there. For West Bengal, it is not a question of any departure being made. This formula has been made flexible enough so that if the irrigation and power sector requires lesser amount of quota because of climatic and other reasons, it may be diverted to other sectors.

SHRI AMARPROSAD CHAKRABORTY: Where is the balance of 93 lakh tonnes in the case of West Bengal?

SHRI NARAYAN DATT TIWARI: As far as the question of West Bengal is concerned, I do not agree that we have made inequitable distribution to West Bengal. They have got their full quota. Out of 13.13 lakh tonnes, 10.89 lakh tonnes have been supplied. It is not a constraint of allocation. It may be a constraint of transportation and all that. Therefore, we have tried our best. There has been no equitable distribution so far as West Bengal is concerned. As far as the Punjab's complaint is concerned, it should be sent to the Punjab Government. But if he wants that I should look into it, I will forward it for proper consideration of the Punjab Government.

SHRI RAMAKRISHNA HEGDE: He has not answered one basic question, and that is: What action the Government of India is going to take against those who are responsible for misuse of the quota of cement that was specifically allotted for certain projects?

MR. DEPUTY CHAIRMAN: That he has replied.

SHRI RAMAKRISHNA HEGDE: He has not replied.

MR. DEPUTY CHAIRMAN: He has replied to that.

सदन की कार्यवाही सवा दो बजे तक के लिये स्थगित की जाती है ।

The House then adjourned for lunch at twenty-one minutes past one of the Clock.

The House then reassembled after lunch at eighteen minutes past two of the clock, Mr. Deputy Chairman, in the Chair.

REFERENCE TO THE ALLEGED INADEQUATE REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN JUDICIARY AND ADMINISTRATION.

MR. DEPUTY CHAIRMAN: We will now take up special mentions.

श्री हुसमदेव नारायण यादव (बिहार) :

उपसभापति महोदय, मैं सदन का ध्यान दूँ और आकृष्ट करना चाहता हूँ कि जब विधि मंत्री श्री शिवशंकर जी ने एक बयान दिया था उस समय मैंने भी इस बात को उठाया था और फिर मैं आपकी मार्फत सदन का और देश का ध्यान इस ओर आकृष्ट करना चाहता हूँ कि सभी जगह न्याय किसी न किसी रूप में जो पिछड़े हरिजन, आदिवासी हैं, उन्हें रिजर्वेशन के जरिये मिलता है लेकिन जो न्यायिक सेवा है उस में प्रक्रिया नियुक्ति की ऐसी जटिलता है जिससे पिछड़े वर्ग के लोग, हरिजन आदिवासी सही मानी में जा ही नहीं पाते हाईकोर्ट में और हाईकोर्ट से ऊँची वाली नौकरियों में । राज्यपाल, मुख्य मंत्री और जो हाईकोर्ट के चीफ जस्टिस होते हैं वे तीनों मिल कर चुनते हैं, मनोनयन करते हैं और उस मनोनयन की प्रक्रिया में वे पिछड़े वर्ग के लोग हरिजन आदिवासी जा ही नहीं पाते हैं और वे हमेशा दबे ही रह जाते हैं और जहाँ से नियुक्ति की जाती है जो पैनल एडवोकेट का बनाया जाता है, जो सीनियर एडवोकेट का पैनल हाईकोर्ट में बनाया जाता है,