

THE MINISTER OF SUPPLY (SHRI D R CHAVAN) (a) The total quantity of fertilizers authorised for import during 1972-73 is 5.56 lakh tonnes of N, 2.04 lakh tonnes of P2O5 and 1.50 lakh tonnes of K2O. The sources of import include West Europe, East Europe, U.K., USSR, Persian Gulf Countries, USA, Canada and Japan.

(b) Against the contracts placed so far no shortfall in supplies is expected though there may be some delay in actual deliveries.

STATEMENT BY DEPUTY MINISTER

RE STARRED QUESTION NO 268, ANSWERED ON AUGUST 11, 1972 REGARDING U.S. AID

THE DEPUTY MINISTER IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SURENDRA PAL SINGH). Mr Deputy Chairman, Sir, on 11-8-72 I answered Starred Question No 268 tabled by Shri K. C. Panda and others about the termination of services of a large number of Indians employed by the Embassy of the U.S.A. and its various agencies. The question partly related to the retrenchment of Indian employees of USAID, which is the concern of Ministry of Finance (Deptt of Economic Affairs). In replying to some supplementaries about U.S.AID, a few minor mistakes crept in, which came to my notice subsequently. This statement is intended to correct those mistakes.

In reply to a supplementary question by Shri Mahavir Tyagi, I had stated that "there are a number of projects which are being financed and run by the U.S. AID". Actually, the projects are being aided by USAID and are not being run by them. In reply to another question of Shri Tyagi enquiring whether these projects were industrial, I had replied in the affirmative. In fact, these are not industrial projects. In reply to a question by Shri Jagdambí Prasad Yadav, I had informed the House that "a critical review was carried out by this department, in close consultation with the concerned Ministries. Of the need for continuation of each of the projects" etc. In fact, the review was carried out by the Ministry of Finance (Department of Economic Affairs) and not by the Ministry of External Affairs.

PAPERS LAID ON THE TABLE

AMENDMENTS TO THE INDUSTRIAL FINANCE CORPORATION OF INDIA EMPLOYEES' PROVIDENT FUND REGULATIONS, 1948

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI OM MEHTA). Sir, on behalf of Shrimati Sushila Rohtagi, I beg to lay on the Table a copy (in English and Hindi) of the Industrial Finance Corporation of India Notification No 10/72 dated the 11th October, 1972, publishing certain amendments to the Industrial Finance Corporation of India Employees' Provident Fund Regulations, 1948, under sub-section (3) of section 43 of the Industrial Finance Corporation Act, 1948 [Placed in Library. See No Lt. 3945/72]

THE NATIONALISED BANKS (MANAGEMENT AND MISCELLANEOUS PROVISIONS) (FOURTH AMENDMENT) SCHEME, 1972.

SHRI OM MEHTA. Sir, I also beg to lay a copy in (English and Hindi) of the Ministry of Finance (Department of Banking) Notification S.O. No 715(E), dated the 16th November, 1972, publishing the Nationalised Banks (Management and Miscellaneous Provisions) (Fourth Amendment) Scheme, 1972, under sub-section (5) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 [Placed in Library. See No LT.-3942/72]

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED ARREST AND HARASSMENT OF THREE OFFICIALS OF UNION HEALTH MINISTRY FOOD SQUAD WHILE ON DUTY ON DECEMBER 5, 1972, BY THE UTTAR PRADESH POLICE AT CHANDOUS

SHRIMATI SITA DEVI (Punjab) Sir, I call the attention of the Minister of Works and Housing and Health and Family Planning to the reported arrest and harassment of three officials of the Union Health Ministry food squad while on duty on December 5, 1972, by the Uttar Pradesh police at Chandous, near Aligarh, and the action taken by the Central Government in this regard.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING (PROF DEBIPRASAD CHATTOPADHYAYA) : Sir, on October 31, 1972, the Directorate General of Health Services received a complaint dated October 28, 1972, addressed by one Shri C M. Sharma, Manager, Healthways Dairy Product Company (Regd.), New Delhi, to the effect that M/s Imperial Food Products, Sikanderabad, District Bulandshehar, UP, were manufacturing spurious condensed milk in their factory situated at Chandous, District Aligarh in UP. The complainant Shri C M Sharma was sent for on November 13, 1972, for ascertaining some details relevant for the purposes of conducting an enquiry. Shri Sharma met the officials of the Directorate General of Health Services on November 23, 1972, and furnished the required details. Thereafter, it was decided to depute two Food Inspectors and one Field Assistant accompanied by Shri C M Sharma to visit the said factory at Chandous with a view to investigating the complaint.

The team left Delhi in the morning of December 5, 1972, and reached Chandous the same day at or about 11.30 A.M. The Food Inspectors straightway established contact with the Station House Officer of the local Police Station and sought his assistance for the purposes of visiting the premises of the factory and conducting necessary investigations. According to the Food Inspectors they showed their identity cards issued to them both by the Directorate General of Health Services and by the Union Ministry of Home Affairs. However, the S.H.O. is stated to have adopted an unhelpful attitude and asked them to proceed to the District Head Quarters and obtain necessary instructions from the higher authorities before he could move in the matter.

Since the District Head Quarters is situated at a distance of about 40 km from Chandous the Food Inspectors seem to have decided that it would be better for them to proceed to the premises of the factory and go ahead with the investigations even without the assistance of the local police.

It is stated that the Inspectors reached the factory at 12.00 noon and after introducing themselves to the proprietor of the firm, wanted to draw samples of the condensed

milk as provided under section 10 of the Prevention of Food Adulteration Act, 1954. They felt that the attitude of the proprietor was cooperative at the beginning but within a few minutes some constables in plain clothes arrived at the scene whereupon the Inspectors detected a sudden change in the attitude of the proprietor who refused to allow the Inspectors to draw samples. The Inspectors decided to leave the premises but as they were about to depart the Station House Officer arrived there. The latter took the two Food Inspectors and the Field Assistant to the Police Station. He asked one Inspector and the Field Assistant to wait at the police station and he himself accompanies the other Food Inspector to the District Head Quarters. On reaching Aligarh they went to the Additional Superintendent of Police before whom also the Food Inspector is stated to have produced his identity papers. However, the Additional Superintendent of Police desired to have further confirmation. Therefore the Food Inspector suggested that he might speak to the concerned official in the Directorate General of Health Services in Delhi over the telephone. The Additional Superintendent of Police spoke to the concerned official at Delhi over the telephone around 3.00 P.M. on the same day and was informed that a team of two Food Inspectors and one Field Assistant had, in fact, been deputed to investigate a specific complaint against the firm M/s Imperial Food Products.

With this confirmation the Station House Officer and the Central Food Inspector returned to the police station, Chandous at or about 6.00 P.M.

According to the Food Inspectors the Station House Officer asked them at that belated stage whether they wished to inspect the premises. However, the Food Inspectors felt that in the background of the earlier protracted uncooperative attitude of the local police it was not the opportune time to proceed with the investigations. They also found that the manufacturer had collected a crowd and they felt that proceeding with the investigation might result in an untoward situation.

Therefore, they decided to return to the head-quarters at Delhi. They reached Delhi the same night.

[PROF. DEBIPRASAD CHATTO-PADHYAYA]

It has not been possible for us to obtain so far a formal report in the matter from the Government of Uttar Pradesh. However, we have collected some information from them informally through telephonic talk. It is not clear from the version given by the Uttar Pradesh officials as to why reliance could not be placed on the identity papers produced before them by the Food Inspectors. We have requested the Government of Uttar Pradesh to have the matter properly looked into and furnish us with all the details of the incident.

Now I would like to add that just a minute or two before I arrived here, I got a telephonic message from the U.P. Government giving a somewhat different version of the incident in which the main points to be mentioned are these : These officers, according to them, had not carried their identity cards and that was why the problem was there. I will supply information later on when I am asked about the other questions.

श्रीमती सीता देवी : श्रीमन्, मिनिस्टर साहब ने जो जवाब दिया है उस पर मैं उनमें दो-एक क्लेरिफिकेशन करना चाहती हूँ। उन्होंने अपने लम्बे-चौड़े स्टेटमेंट में खुद यह एडमिट कर लिया है कि स्वास्थ्य मंत्रालय के अधिकारी वहाँ गए और वहाँ के आदेश से गए, आई-डेन्टिटी कार्ड उनके पास था और आई-डेन्टिटी कार्ड दिखाने के बावजूद भी वहाँ की लोकल पुलिस ने उनके साथ कोआपरेट नहीं किया और जो फैक्टरी वाले थे, उन्होंने नमूना देने से इन्कार किया। जैसा कि हिन्दुस्तान टाइम्स ने खबर दी थी, उनमें से बहुत सारी चीजें मिनिस्टर साहब ने अपने स्टेटमेंट में एडमिट कर ली हैं। पर मैं यह जानना चाहती हूँ कि क्या किसी के लिए आई-डेन्टिटी दिखाना काफी नहीं है; आई-डेन्टिटी दिखालाने के बाद भी शक करना और उनके साथ किसी तरह का कोआपरेशन न करना कहां तक उचित है? आज के अखबार में लिखा है कि इन अधिकारियों को इनकी जीप से बाहर निकाला गया और एक मील के करीब गांव के अन्दर घुमाया और उसके बाद शाम को उनसे कहा

कि यहाँ से चले जाओ, निकल जाओ और फिर से यहाँ शकल न दिखलाना, इस तरह का दुर्व्यहार उनके साथ हुआ, तो मैं यह जानना चाहती हूँ कि क्या पुलिस जो हमारी रक्षा के लिए है, जो सबकी रक्षा के लिए, क्या यू० पी० की पुलिस को खास तौर पर कोई परमिशन या कोई खास अथॉरिटी दी गई है कि वह हर जगह पर दुर्व्यहार करे। शाहदरा में जो दुर्घटना हुई थी वहाँ पर भी यू० पी० की पुलिस ने दुर्व्यवहार किया था, इसलिए मैं यह कहना चाहती हूँ कि हमारी गवर्नमेंट को इस चीज की ओर तबज्जो देना चाहिये। अगर आफिसरों के साथ इस तरह का व्यवहार होगा, आई-डेन्टिटी दिखलाने के बाद भी वहाँ की पुलिस बेइज्जती करती है, तो हमारी गवर्नमेंट का प्रशासन चलना मुश्किल हो जायेगा कोई एडमिनिस्ट्रेशन नहीं चल सकेगा और कोई आफिसर इन्क्वायरी करने के लिए नहीं जा सकेगा। श्रीमन्, यह तो फूड की इन्क्वायरी का मामला था, लेकिन खून और कत्ल के बारे में बड़ी-बड़ी इन्क्वायरी होती है और अगर पुलिस का इतना होमला बढ़ जायेगा तो फिर एडमिनिस्ट्रेशन कैसे चलेगा? श्रीमन्, मैं यह कहना चाहती हूँ कि इस मामले में ठीकाई नहीं की जानी चाहिये और इस बारे में ठीकाई आफिसरों द्वारा इन्क्वायरी कराई जाय और उन आफिसरों के खिलाफ ऐक्शन लिया जाय तथा सजा दी जाय, जिन्होंने इस काम में रुकावट डाली और यू० पी० की पुलिस की क्या हिम्मत थी कि उसने इस तरह का कार्य किया। इसलिए मैं कहना चाहती हूँ कि आप इस बारे में अच्छी तरह से जांच करेंगे और जो आफिसर कसूरवार हैं उन्हें सजा दिलायेंगे।

PROF. DEBIPRASAD CHATTO-PADHYAYA : As I said the version sent by the U.P. Government says that the Police Officer concerned advised the Food Inspector, Shri Sharma, to bring an authority letter from the district official as he had no authority letter even from his own department, and then the Food Inspector left the Police Station. The confusion is regarding the truth or otherwise of the fact

whether the officers concerned could produce or did produce their identity cards or not. They have shown me their identity cards. But the U.P. Government have informed us that they did not carry their identity cards and so the Police Station Officer requested the food inspection staff to obtain an authority and only after they get that authority from the district headquarters, he will be allowed to inspect the firm. Unless we know the full details of the facts, this allegation or counter allegation cannot be conclusively established.

Secondly, there is difference of opinion on whether the Police had deliberately misbehaved or harassed these people unnecessarily, because the two versions—one given by the officers concerned and the other furnished by the U.P. Government—are not quite consistent with each other. At this stage, when we have no time or opportunity to go into this, we cannot express any definite opinion.

Thirdly, according to the Prevention of Food Adulteration Act, 1954, the position is like this. Clause 10 says :

“The Food Inspector has the power to take samples of any article from any person selling such articles without soliciting any co-operation from any police authority.”

So, Sir, he can go on his own. So, the question of soliciting police assistance or authority was only as a sort of a precautionary measure so that no untoward happening takes place. But he could do this on his own provided he had carried his identity card. But, Sir, it is a moot question whether he did or did not carry the identity card. On this we have no conclusive evidence to come to an independent judgment.

MR. DEPUTY CHAIRMAN : Yes, Mr. Yadav.

श्रीमती सीता देवी : एक चीज मिनिस्टर साहब ने क्लेरीफाई नहीं की। पहले स्टेटमेंट में उन्होंने खुद एडमिट किया कि उनके पास आइडेंटिटी कार्ड थे, पर जो बाद में उन्होंने टेलीग्राम पढ़ा उसमें उन्होंने पढ़ा कि आइडेंटिटी कार्ड नहीं थे। यह बिल्कुल

अलग बात है। अपने स्टेटमेंट में आपने यह भी एडमिट किया कि पुलिस को ले जाने की जरूरत नहीं है, आइडेंटिटी कार्ड होने पर खुद भी कर सकते हैं। ये सब आपके स्टेटमेंट कन्ट्रैडिक्टरी है। इसलिए मैं यह कहती हूँ कि आप एक हाई आफिशियल यहां भेजें—यू० पी० गवर्नमेंट कान हों—सैन्ट्रल गवर्नमेंट की तरफ से भेजें जो पता लगायें कि आइडेंटिटी कार्ड्स थे या नहीं थे और जो इन्क्वायरी करे उससे सदन को सूचित करके कि क्या इन्क्वायरी हुई।

श्री श्याम लाल यादव (उत्तर प्रदेश) : श्रीमन्, मैं इस सम्बन्ध में सरकार से जानना चाहता हूँ कि क्या सरकार को यह पता नहीं है कि उत्तर प्रदेश की पुलिस जिस तरह से आज कांग्रेस के शासन में बेलगाम तरीके से जनता के अधिकारों का अपहरण कर रही है और आए दिन साधारण जनता के ऊपर अत्याचार और दुर्व्यहार कर रही है का उसी शृंखला में यह दुर्घटना नहीं हुई और इस सम्बन्ध में क्या मंत्री जी आश्वासन देंगे कि इस तमाम मामले की वे जांच कराएंगे ? एक बात मैं यह जानना चाहता हूँ कि यह जो घटना हुई उसमें यह जो फर्म है इम्पीरियल फूड प्रोडक्ट्स इसके कौन पार्टनर्स हैं ? क्या वे ऐसे लोग हैं जो वहां के स्थानीय अधिकारियों से मिले हुए थे और इसी लिए उनकी जांच नहीं हो सकी। दूसरी बात मैं यह जानना चाहता हूँ इस मिलमिले में कि जो शिकायत थी वह शिकायत क्या यह थी कि यह इम्पीरियल फूड प्रोडक्ट्स केवल गलत तरीके से स्पूरियस प्रोडक्ट्स बनाती है ? अगर इस तरह की शिकायत थी तो जब यह इत्तिला मिली तभी आपने तमाम प्रोडक्ट्स को जब्त करने की कार्यवाही क्यों नहीं की ? यहां के राजकीय केन्द्रीय कर्मचारियों के पास आइडेंटिटी कार्ड होता है अपने दफ्तरों में जाने के लिए, उसके बिना वे दफ्तर, कार्यालय में नहीं जा सकते। उत्तर प्रदेश सरकार का यह कहना कि उनके पास

[श्रीमती सोता देबी]

आइडेंटिटी कार्ड नहीं था मैं समझता हूँ कि उससे यह सरकार अपने कर्मचारियों को प्रोत्साहन दे रही है, उनका संरक्षण और समर्थन करना चाहती है, क्योंकि उन्हीं कर्मचारियों के बल पर वह अपनी सत्ता को बनाए रखना चाहती है। इसलिए यह आवश्यक है कि इसको अलग करके यहाँ से किसी निष्पक्ष अधिकारी से जांच करवाएँ इस सारे मामले की और जो सम्बन्धित अधिकारी हों उनके विरुद्ध कार्यवाही करे। सबसे ताज़्जुब की बात यह है कि जो एडीशनल एम पी था उसने इस तरह के कार्य के लिए जिम्मेदार थानेदार या सिपाही के विरुद्ध कोई कार्यवाही नहीं की। यह सबसे खेदजनक है। इस सिलसिले में मैं एक बात और जानना चाहता हूँ कि इस फर्म के सम्बन्ध में क्या पहले भी कोई शिकायत सरकार के पाम आई श्री और जिस पर सरकार ने कोई तवज्जह नहीं दी ?

PROF. DEBIPRASAD CHATTO-PADHYAYA : Sir, taking up the last point first, we have said already that we got complaints about this firm and it is on the basis of that that we sent our people to ascertain the truth.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Who is the proprietor of this firm?

PROF. DEBIPRASAD CHATTO-PADHYAYA : We know the name of the firm. But to the question who the proprietor of the firm is, I cannot tell you off-hand. The name of the firm is this : M/s Imperial Food Products, Sikandrabad, District : Bulandshahar. I cannot tell you now who the proprietor of the firm is. If you are interested in knowing it, I will ascertain and let you know later.

Now, Sir, to return to the main question, he has raised a big question, whether the police under the Congress rule or the BKD rule behaved or did not behave in a wrong way. It is too big a question and it is too big a question to be answered in this limited context. But the truth is that the Food Inspectors did not get the necessary co-operation from the police. But according to the Government version the cooperation

could not be extended because they themselves were under the doubt whether these people impersonated themselves as sometimes they complained they had or they were the genuine people sent by us. Whether it is a question of harassment, we cannot definitely say whether it is true or false. The UP Government have sent a report stating that they have only been detained, because they could not produce their identity cards....

SHRI SHYAM LAL YADAV : Detention is also harassment.

PROF. DEBIPRASAD CHATTO-PADHYAYA : If someone went to a place for which he has no authority, police could detain him, so that he is not harmed by the crowd. It is reported that already a crowd had gathered there. So it was thought better to keep them under police custody until their identity was established.

SHRI SHYAM LAL YADAV : He has not replied to my other questions. One is that the entire products of this firm are spurious. Second, is what action did the Additional S.P. take against the Constable when it was established from Delhi that they were the genuine persons? Third, do all the Central Government employees carry their identity cards with them?

PROF. DEBIPRASAD CHATTO-PADHYAYA : The reply to the first question is yes. That's why we sent our men. Secondly, when the Additional Superintendent of Police got confirmation from our Ministry that they were our men they were allowed to proceed. But it was late in the evening, and in the context of the incident that happened we did not think it necessary. Thirdly, as I said before....

SHRI SHYAM LAL YADAV : What is the practice?

PROF. DEBIPRASAD CHATTO-PADHYAYA : The practice is that wherever he goes, he carried his identity card with him.

SHRI CHANDRA SHEKHAR : Sir the report of the U.P. Government says that they had not got authority letters. There is a difference between authority letter and identity card. Even the report of the U.P. Government does not mention

that they did not have their identity cards with them. Even if they did not have authority letters, the police officials there had no business to misbehave with officers in that manner. Mr. Deputy Chairman, Sir, the U.P. Government has tried to side-track the issue. The Minister should not take refuge behind that shady report of the U.P. Government. It is a very serious matter. And at least we should know who is the proprietor of this firm because this is a clear collusion between the employer and the police, and the House will be interested to know the name of the proprietor of the firm.

MR. DEPUTY CHAIRMAN : He has said that he does not have the name of the proprietor with him at the moment but that he will give it later. About the report, he has read out what he got from the U.P. Government. But he does not stand by it.

SHRI CHANDRA SHEKHAR : But an impression should not go round that they did not have the identity cards. The U.P. Government says that they did not have the authorisation letter.

PROF. DEBIPRASAD CHATTOPADHYAYA : I have only one remark to make in this context. I think my friend is absolutely right that the question of having authority letters, in addition to identity cards, was not called for. It was nevertheless demanded from them.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) : उपसभापति महोदय, यह मामला तो बड़ा छोटा है, मगर मंत्री जी के जवाब ने इसको गम्भीर बना दिया है और मंत्री जी से मैं माफी मागते हुए कहूंगा कि मंत्री जी के अनुभव की कमी यह जाहिर कर रही है कि इस ढंग से अपना प्रशासन नहीं चलता। इस के मानी यह हुए कि कोई भी मंत्री जी या स्वयं स्वास्थ्य मंत्री कहीं चले जाएं और फिर कोई अपना पुलिस कर्मचारी कह दे, मैं कैसे मानूंगा मिनिस्टर हैं।

श्री काली मुखर्जी (पश्चिम बंगाल) : देखने के बाद।

श्री नागेश्वर प्रसाद शाही : प्रशासन ऐसे नहीं चलता है। ऐसी घटनाएँ हुई हैं

पार्लियामेंट के सदस्यों के साथ मिसबेहेव करने के बाद पुलिस ने कह दिया मुझे मालूम नहीं था यह एम० पी० है कि कोई और है। आप अगर इस तरह का रवैया अख्तियार करेंगे कि यह डिम्प्यूटेड है, इसकी जांच होगी और तब निर्णय किया जाएगा कि सचमुच उनके पास आइडेंटिटी कार्ड था कि नहीं था, तो मैं इस पर मंत्री जी से निवेदन करना चाहता हूँ, इस तरह के मामले में प्रशासनिक दृष्टिकोण यह होता है—यह माना जाता है, जब तक कि वह यह न साबित कर दे अन्यथा आपके 3 अधिकारी गए, वे कहते हैं साहब, हमारे पास आइडेंटिटी कार्ड था, पुलिस वाले कहते हैं नहीं था, तब आप कैसे हायर अधिकारी को जांच करने के लिए भेजेंगे? क्या जांच करेंगे? दो पार्टी हैं, एक कहती है हम आइडेंटिटी कार्ड लेकर गए थे दूसरी पार्टी कहती है, नहीं लेकर गए थे। दूसरा कोई गवाह नहीं था। आप कैसे फैसला करेंगे? आप क्या मान कर फैसला करेंगे कि उनके पास आइडेंटिटी कार्ड था? और अनुभव यह बताना है कि स्थानीय सम्पन्न व्यक्तियों के साथ स्थानीय पुलिस कमिन्वेन्स में होती है, उनमें मन्थली वह एक्सट्रेक्ट करते हैं। मुझे इस बात की जानकारी है कि वे वे रेगुलरली पुलिस को मन्थली पे करते हैं।

श्री काली मुखर्जी : डेली।

श्री नागेश्वर प्रसाद शाही : बात असल यह है दुकानदार जो तेलो में मिक्सचर करते हैं या आर चीजो में मिक्सचर करते हैं उनका स्थानीय अधिकारियों से मन्थली बंधा हुआ है—हर दुकानदार का, हर फर्म का—स्थानी दगोआओ में तथा और लोगो में।

श्री जगदीश प्रसाद माथुर (राजस्थान) : कई-कई मिनिस्टरो से भी बंधा है।

संसदीय कार्य विभाग तथा नौबहन और परिवहन मंत्रालय में राज्य मंत्री (श्री ओम् मेहता) : अब ये कहा की बात करते हैं।

श्री नागेश्वर प्रसाद शाही : उस हालत में यह मुश्किल होगा अगर आप उत्रकी बात को मानें। दूसरी बात, अगर दिल्ली की पुलिस वाले किमी त्रिमिनल या डाकू को पकड़ने के लिए बाहर जाएं तो लोकल पुलिस की असिस्टेन्स लेनी पड़ती है। अगर नहीं लेगे तो सौ-पचास आदमी एटैक कर देगे। उस हालत में उनको लाजमी था कि वे पुलिस प्रोटक्शन लेने के लिए गए। तो मैं आपसे जानना चाहता हूँ कि क्या आप इस तरह की बात सोचेंगे, अनुभव के आधार पर कि आपके जो दिल्ली में अधिकारी गए थे उनका स्टैन्ड बिलकुल सही था और उत्तर प्रदेश की सरकार, उनकी पुलिस, अपनी नाजायज़ हरकतों के लिए मशहूर है, उनकी बात को न मान कर आप इस तरह का रवैया अस्तियार करेंगे कि जो दोषी लोग हैं उनको दंड मिले।

श्री उपसभापति : बस हो गया।

श्री नागेश्वर प्रसाद शाही : उत्तर प्रदेश की सरकार को आप लिखें कि यह मामला गम्भीर है और जांच करने के पहले कम से कम उस थाने के संबंधित दरोगा को और पुलिस इन्स्पेक्टर को वहां से हटवा दें, वरना आपके अधिकारी वहां जा कर जांच नहीं करवा पाएंगे।

PROF. DEBIPRASAD CHATTO-PADHYAYA: Sir, the hon. Member has raised larger issues, that is, whether the administration, particularly the police administration in U.P., is corrupt or prompt to harass the people. I have no evidence on record to prove that there is collusion between the local police and the concerned firm. It is a presumption and it may be rebuttable.

The other question is whether the Parliamentary Members have been harassed or not. That is also perhaps not under consideration before the House at the moment. But, as I have already said, I can definitely say that the attitude of the Police towards the men sent by us for collecting the samples from the firm was not helpful and co-operative. Secondly, as I have already said, these people were duly authorised by the

Ministry and so far as we are concerned, there was no question about their *bona fides*. Lastly, I would like to tell the House that Shri Hari Ram is the proprietor of the firm. There are other partners whose names are not readily available

डा० भाई महावीर (दिल्ली) : श्रीमन्, जो वृत्तान्त मंत्री जी ने सुनाया है इस घटना का, वह एक बात स्पष्ट कर देता है कि ये जो आपके अधिकारी वहां पर जांच करने के लिए गए चंदीम में, उनकी जांच में स्कावट उस फैक्टरी के लोगों की तरफ से नहीं आई, स्कावट वहां की पुलिस की तरफ से आई है।

श्री श्याम लाल यादव (उत्तर प्रदेश) : उनकी साजिश में आई है।

डा० भाई महावीर : यह कहना कि पुलिस ने सहयोग नहीं दिया, तो इसको घटाना होगा, इसको डाइल्यूट करना होगा, कम करके बतलाना है; क्योंकि आपके वर्णन के अनुसार जब ये अधिकारी जांच करने के लिए गये, उन्होंने नमूने लेने का काम शुरू किया और वे ले रहे थे, तब कुछ प्लेन क्लोथ में पुलिस आई। यह भी आपने कहा और मैं समझता हूँ कि इस चीज की तरफ फिर से आपका ध्यान दिलाना गलत नहीं होगा कि पुलिस अगर यह समझती कि ये लोग इम्पोसर हैं, ये गलत आदमी हैं, ये लोग बगैर अथॉरिटी के आये हैं, तो फिर पुलिस अधिकारी आकर उनको रोकते और पकड़ कर थाने में ले जा सकते थे, बिठला सकते थे, जांच कर सकते थे किये सही लोग हैं या नहीं, या फिर कोई नक्ली बने हुए हैं। मगर ऐसा नहीं हुआ। वहां पर जो पुलिस सब से पहिले आई, वह प्लेन क्लोथ में आई, जिस का मतलब यह है कि वह नमूने लेने की कार्यवाही को रोकना चाहती थी। जब प्लेन क्लोथ्स के पुलिस वाले आये तब वहां फैक्टरी वालों ने कहना शुरू किया कि हम नमूने नहीं देंगे। इसके बाद वहां पर भीड़ भाड़ इकट्ठी हो गई और सारे लोग आ गये इसके बाद राज्य सरकार ने वर्जन दिया है और

उससे मालूम होता है कि इसमें पुलिस ही हिस्सेदार नहीं थी, बल्कि सच्चाई यह है कि लोगो ने यह वर्जन तैयार किया और बना कर आपके पास भेजा, वे भी कुछ अंश तक इसमें हिस्सेदार हैं; क्योंकि इस केस में जो तथ्य या सच्चाई है, उस सच्चाई को मानने के बजाय, उसको ढकने तथा उसको टालने की कोशिश की गई है।

महोदय, इस भागी कहानी में जो सबसे चिन्ता की बात नजर आती है वह यह है कि केवल यह सवाल नहीं है कि केन्द्रीय सरकार के अधिकारियों को राज्य सरकार के कुछ लोगों द्वारा बुरा सलुक किया गया यह भी एक चिन्ता का विषय है ही; क्योंकि आखिर प्रशासन चाहे राज्य सरकार का हो, चाहे केन्द्रीय सरकार का हो और मजे की बात तो यह है कि जब दोनों जगहों पर एक ही पार्टी की सरकार है, वहां पर दो अधिकारियों के बीच में एक दूसरे के खिलाफ विरोधी बात पैदा होती है, तो यह एक बड़ा गम्भीर और चिन्ता का विषय है। यह तो बात का एक पहलू है।

दूसरा पहलू, जो मैं आपसे कहना चाहता हूँ वह यह है कि वहां पर जिस काम के लिए ये लोग गये थे, उस काम के महत्व को समझ कर कि लोगो की सेहत के साथ खिलवाड़ किया जा रहा है, कोई गलत किस्म की चीज बन रही है, कोई धोखाधड़ी हो रही है, उस धोखाधड़ी को राज्य सरकार को कम करना चाहिए, उसमें तत्परता दिखलानी चाहिये, यह चीज न करके राज्य सरकार के कुछ अधिकारियों ने धोखाधड़ी करने वाले का समर्थन किया और उसके बचाव करने में मदद दी। जैसा आपने कहा कि उन लोगो ने ठीक ही किया कि उस समय नमूना नहीं लिया; क्योंकि कोई भी इस चीज को जानता है कि जिस समय नमूना इस तरह की चीजों का लिया जाता है, तो बिना सूचना दिये ही नमूना लेना उचित है; क्योंकि उस तरह के नमूने लेने में चौक करने वाले के हाथ में ठीक चीज मिलती है। अगर

दो, चार घंटे का समय दे दिया गया और उस के बाद नमूना लिया गया, तो फिर जो भी नमूना या इस तरह की इन्क्वायरी होगी वह केवल आई-वाश होगी। इसलिए मैं समझता हूँ कि उन अधिकारियों ने जो कुछ किया वह ठीक ही किया और नमूना लेने की कोशिश नहीं की।

लेकिन महोदय, जिस चीज की तरफ मैं आपका ध्यान दिलाना चाहता हूँ वह यह है कि आप इस बारे में खोज करें और सदन को विश्वास में लें कि आप किस नतीजे पर पहुंचे हैं कि इस मामले में वहां पर कोई मिलीभगत तो नहीं थी। यह जो षड्यंत्र है वह एक छोटे से स्थान में है और सिर्फ वहीं पर नहीं है बल्कि जैसा अंग्रेजी में कहा जाता है "स्ट्रा इन दि विन्ड", इसका जाल और जगह भी फैला हुआ है और यह इस बात का खुला संकेत है कि इस षड्यंत्र के बारे में चिन्ता करना जरूरी है और इस तरह के षड्यंत्रों की तह में जाकर और इस कार्य में चाहे जितने भी ऊंचे आफिसर या आदमी हिस्सेदार हों, सबको समाज के सामने लाकर दंडित करना जरूरी है।

मैं चाहता हूँ कि मंत्री जी केवल यह न कह दें कि दो वर्शंस हैं, हमें पता नहीं है। इसकी सारी गम्भीरता को वे अनुभव करें और फिर उसके अनुसार उतनी ही मजबूती से कदम उठाएं।

PROF. DEBIPRASAD CHATTO-PADHYAYA : Hardly I need to add to what I have already stated. I have already stated that there is no evidence or proof at our disposal to show that there is or was a collusion between the local police and the administration.

DR BHAI MAHAVIR : Prof Chatto-padhyaya, do you not see that the things are so clear that the policemen in plain clothes reached and the attitude of that factory people immediately changed? What else can that mean?

PROF. DEBIPRASAD CHATTO-PADHYAYA : Sir, I have already said that

the attitude of the local police was far from cooperative. I have myself said that. But the other version sent by the U.P. Government suggests that the officer asked for some favour and that created a turn in the situation which, to start with, was a smooth going one. So, there are two versions and that is why I said that right in the face of the existing two versions, which are not necessarily contradictory, we are not just now in a position to come to a definite conclusion.

डा० भाई महावीर : हो सकता है कि दोनों करन्ट हों ।

श्री नवल किशोर (उत्तर प्रदेश): श्रीमन्, जितने सवाल पूछे गए और जितना जवाब दिया गया उससे कन्फ्यूजन ही बढ़ा । बताया गया कि यह जो इम्पिरियल फूड प्राडक्ट्स है उसके बारे में कुछ शिकायतें थी और उन शिकायतों के आधार पर यूनियन हेल्थ मिनिस्ट्री के कुछ आफिसर्स गए सेम्पिल्स लेने के लिए । यह भी पता चलता है कि जब वे सेम्पिल लेने गए तो शुरू में उन पर कोई आपत्ति नहीं की गई । श्रीमन्, मैं यह समझता हूं कि आइडेन्टीफिकेशन की बात पहले जो फूड प्रोडक्ट्स वाले थे उन्हें उठानी चाहिए थी कि ये आदमी जेनुइन हैं या जेनुइन नहीं हैं; क्योंकि यह बात भी है कि कभी-कभी गलत आदमी भी पहुंच जाते हैं, लेकिन अगर उन्होंने सेम्पिल लेना शुरू कर दिया था तो उसके बाद पुलिस के आने की कोई आवश्यकता नहीं थी । अगर फूड प्रोडक्ट्स वालों को आब्जेक्शन था, अगर उन्होंने टेलिफोन किया था पुलिस को तो पुलिस को सादे कपड़ों में आने की आवश्यकता क्या थी? उनकी यूनिफार्म में आना चाहिए था । यह बात माफ नहीं हुई है कि उनको गिरफ्तार किया गया या गिरफ्तार नहीं किया गया । तो मैं समझता हूं कि जो जवाब लिख कर आ गया उसको देने के बजाय अच्छा हो कि इसकी थोड़ी जांच की जाय । मैं समझता हूं कि यू० पी० गवर्नमेन्ट ने जो जवाब दिया है वह कोई अच्छा जवाब नहीं

है । श्रीमन्, मैं यह बात मानने के लिए तैयार नहीं हूं कि यू० पी० की पुलिस ख़ास तौर पर कोई खराब पुलिस है । The police of one State is as good and as bad as that of any other in the country. न मैं इस बात को ही मानने के लिए तैयार हूं कि अब पुलिस ज्यादा खराब हो गई और एम० बी० डी० के जमाने में अच्छी थी । अगर माननीय मंत्री जी को पता हो कि पंजाब की पुलिस यू० पी० की पुलिस से बेहतर है तो मैं जानना चाहूंगा कि वह किस माने में बेहतर है ताकि हम एडवाइज कर सकें उत्तर प्रदेश की पुलिस को कि वे पंजाब की पुलिस के पैटर्न पर अपने को ढालने की कोशिश करें ।

PROF. DEBIPRASAD CHATTO-PADHYAYA : Sir, I entirely agree with the hon. Member's view that the U.P. police is as good or as bad as any other police in any other State. Therefore, the hon. Members should not pass a wholesale judgment castigating and condemning the U.P. police because there is nothing on record to say that.

About the other thing, I have already said and repeatedly said that the attitude of the police was far from cooperative. There is no reason—at least to me—why the police went there in plain clothes. But these are all matters of detail and the relevant information is not available with me at the moment. We propose to have it and when we get it, we can come to a definite conclusion.

SHRI A. N. MULLA (Uttar Pradesh) : Mr. Deputy Chairman, I am a little unhappy at the stand taken by the Minister in replying to the question that has been raised in this House. His stand is that I am completely non-committed, I am considering this explanation, I am looking at this allegation and I am sitting tight as a judge and I will pronounce my judgment at a very late stage when the facts are before me. Now the allegation is very clear. The allegation is that a certain group of Government officials who were given a particular duty to perform had gone to a particular station to take a sample and can a doubt arise at this stage that they had gone to that station but they had forgotten to take

their identity cards? Is it a reasonable doubt? After all one has only to consider reasonable doubts and not unreasonable doubts. To me it seems that it is an absurd thing to suggest that they had gone for this purpose and they had left their identity cards at home. Apart from that, if any suspicion arises in the mind of a public servant that somebody is playing a trick upon them, obviously the person who plays the trick has some wrongful gain in his mind. Will the Minister let me know what was the possible wrongful gain in the mind of these persons who had gone there that by pretending to be Government servants and trying to take a sample they will succeed in securing it. And if no wrongful gain can be had by them obviously the explanation which is given by the other side must be discounted. Apart from that, in every charge you have a stage when you say a *prima facie* case exists. And there is a later stage when it is proved or disproved and the judgment is pronounced. I at least expected that the Minister will take up the position that a *prima facie* case has been made out and we will test and see if the explanation offered can be accepted especially when by its obstructionist tactics the other party did not permit the samples to be taken. On the one side a wrongful gain is clearly established while on the other side there is no wrongful gain and I think the Minister should have said that a *prima facie* case has been made out.

PROF. DEBIPRASAD CHATTO-PADHYAYA. Perhaps the learned Member could not get the point which I said that according to the U.P. Government's version the officers sent by us asked for a sort of wrongful gain. They say, "At about 13.00 hours, Hari Ram Gupta, owner of Dairy in Village Chandous, filed a written report at the Police Station that one Chittar Mal Sharma who had six months back asked him to appoint him in his Dairy or otherwise pay him Rs. 500/- per month, had along with four other persons come in a private car was asking him to make payment for six months or else samples would be taken and that he suspected some fraud." As I said the version is different. The owners of the factory have lodged a complaint with the police stating that the officers sent by the Ministry who, we believe on good grounds had

carried their own identity cards, had asked for wrongful gain.

SHRI BABUBHAI M. CHINAI (Maharashtra). What is the idea of saying all this now? (Interruptions) This is second thought.

PROF. DEBIPRASAD CHATTO-PADHYAYA. No, no. This was referred to. I said to start with it was smooth sailing. You know I said they asked for certain favour. I am now explaining what that favour is. This is the favour they asked, they asked for some money. That is what they have reported. Again they reported at 13.00 hours, four hours after our officers went there. So whether these people made out a story or cooked up an story later on to shield themselves or not is an open question. Now, facts are here and facts are there not quite compatible with each other. So, in the face of contrary facts, we are not in a position to arrive at a definite conclusion.

SHRI PITAMBER DAS (Uttar Pradesh). Instead of making the matter simplified, it has been made all the more confused.

श्री ओइम् प्रकाश त्यागी (उत्तर प्रदेश) :
उपसभापति महोदय, यह प्रश्न केन्द्रीय सरकार के मान और अपमान दोनों का है, इसमें कोई पार्टी और सरकार की बात नहीं है। यहाँ से गवर्नमेंट की ओर से सैम्पल लेने के लिए 2 व्यक्ति भेजे गए, वे आइडेंटिटी कार्ड लेकर गए या नहीं गए— पहली बात तो यह है, जो आपने वक्तव्य पढ़ कर सुनाया है, तो क्या उत्तर प्रदेश सरकार को भी यह ज्ञान नहीं है कि उस आथारिटी लेटर की आवश्यकता है या नहीं? उन्होंने जो लिखा है वह भी गलत है। इसके मानी यह है कि एक प्रान्त की सरकार को यह ज्ञान नहीं है कि इस प्रकार के केसेज में कोई आथारिटी लेटर की कोई आवश्यकता नहीं है, आइडेंटिटी कार्ड की ही केवल आवश्यकता है और आइडेंटिटी कार्ड लेकर वे गए। उपसभापति महोदय इसमें तो यह साफ जाहिर है कि जो फैक्टरी के मालिक हैं उनको तो यह ज्ञान था कि आथारिटी लेटर की आवश्यकता नहीं है, वे तो कानून से परिचित होंगे क्या उन्होंने कानून वायलेशन

[श्री ओमप्रकाश त्यागी]

नहीं किया ? वह पहले सैम्पल देने के लिए तैयार थे फिर उन्होंने सैम्पल नहीं देने दिए । पुलिस के द्वारा उन अधिकारियों का अपमान कराया, बेइज्जत कराया । मैं समझता हूँ, इसमें दो बात थी । पहली बात तो यह कि उसने बहाना बनाया, सैम्पल देना उसकी ड्यूटी थी । जो शिकायत है कि वे फेवर मांगते थे या कुछ मांगते थे यह अलग चीज है । लेकिन सैम्पल देना उनकी ड्यूटी थी । वह सैम्पल उन्होंने नहीं दिया । मैं यह जानना चाहता हूँ क्या गवर्नमेंट ने उस फैक्टरी वाले के खिलाफ तुरन्त एक्शन लिया और उसका नतीजा क्या हुआ है । दूसरी बात, आपने दोनों साइड्स के फैक्ट्स थोड़े में हमारे सामने रख दिए हैं । क्या आपकी ड्यूटी इतने ही तक सीमित है कि यहां राज्य सभा में दोनों फैक्ट्स सामने रखकर बैठ जाएं ? मैं जानना चाहता हूँ, जब इसमें सेंट्रल गवर्नमेंट के मान-अपमान का सवाल भी सम्मिलित है, क्या इस संबंध में आप कोई इक्वायरी कमेटी बैठा रहे हैं ताकि सच्चाई की जांच हो और दोषी व्यक्तियों को सजा दी जा सके ?

PROF. DEBIPRASAD CHATTO-PADHYAYA : We have repeatedly said that the attitude of the police was far from co-operative. Our officers did carry their identity cards. In addition to the identity card, the authority letter was not called for. According to law, our officers, without the assistance of police officers, could go and see for themselves and collect for themselves the samples. So, that way they have not exceeded their brief or breached their legal rights. Unfortunately the firms did not help them in collecting the samples. Now, the implementation of this law vests with the local self-government and the State Government. So far as the Central Government is concerned, we may be unhappy with the state of affairs, but we do not directly implement this law. It is for the State Government. The facts have to be ascertained about which there is a lot of confusion and misunderstanding because they have not been properly sorted out, analysed and also not available in abun-

dance. I think the question of setting up an enquiry committee does not arise at this stage at all.

DR. R. K. CHAKRABARTI (West Bengal) : It is a customary practice in India that the proprietors of spurious food manufactures or drug manufactures always expect a previous call from some source saying that such and such inspectors are going to visit their factory the next day so that by that time they can erase all available evidence. Unfortunately here three inspectors arrived there without any previous intimation. The question of carrying their identity cards does not come in because if they did not have their identity cards, then the proprietor would not have allowed them even to enter the premises. But the fact shows that they were given chances at the beginning when everything was smooth sailing, which means that the proprietor knew the law perfectly well. He allowed them to enter the premises and talked with them. The next question comes whether the inspectors wanted some favours from the proprietor. My point in this connection is, if they wanted some favour, then the proprietor could easily have signed the promissory notes and given those signed notes to them and informed the police, "The people are going out of the factory. Please come and search and arrest them." He did not do that. What he did was, he stalled for time, he called the local police station people who might have a share-basis with him and said, "There is something here, I am stalling these people. Please come urgently in plain-clothes and take them away from the premises. By the time you finish with your work, I will be able to remove all the evidence of the spurious drug." This fact is very clear. So there is no question of undue privileges being taken by the officials who had been deputed from Delhi to take a sample from these people.

PROF. DEBIPRASAD CHATTO-PADHYAYA : It is an opinion. I do not know what I am expected to respond to this opinion. Only I can reiterate the submission of the UP Government that it is only after these officers asked for some unjustified favour that the firm-owners contacted the police. But we have no ground or proof to suggest that this contention of that Government is correct.

MR. DEPUTY CHAIRMAN : I have to inform Members ...

AN HON. MEMBER : I have been raising my hand...

MR. DEPUTY CHAIRMAN : I am not obliged to call everybody who raises his hand.

SHRI M. P. SHUKLA (Uttar Pradesh) : Sir, may I be permitted.

MR. DEPUTY CHAIRMAN : No.

ARREST AND RELEASE OF SHRI N. H. KUMBHARE, M.P.

MR. DEPUTY CHAIRMAN : I have to inform Members that I have received the following telegram dated the 7th December, 1972, from the Police Commissioner, Nagpur :—

"Shri N. H. Kumbhare, Member of Rajya Sabha, of Kamptee (Nagpur Rural) was restrained u/s 69 B.P. Act on 6-12-72 at 17-30 hrs. at Nagpur for staging satyagraha under auspices of Republican Party of India (Gaikwad Group) and was released at 23-00 hrs. the same day."

ANNOUNCEMENT RE. GOVERNMENT BUSINESS AND PROGRAMME THEREOF

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI OM MEHTA) : With your permission, Sir, I rise to announce that Government business in this House during the week commencing 11th December, 1972, will consist of :

(1) Discussion on the Resolution seeking disapproval of the Payment of Bonus (Amendment) Ordinance, 1972 and consideration and passing of the Payment of Bonus (Amendment) Bill, 1972, as passed by Lok Sabha.

(2) Consideration and passing of the Code of Criminal Procedure Bill, 1970, as reported by the Joint Committee.

(3) Consideration of a motion for reference of the Indian Penal Code (Amendment) Bill, 1972 to a Joint Committee.

(4) Consideration and passing of the following Bills, as passed by Lok Sabha :—

(a) The Coal Mines Labour Welfare Fund (Amendment) Bill, 1972; and

(b) Indian Railways (Amendment) Bill, 1972.

ALLOTMENT OF TIME FOR GOVERNMENT LEGISLATIVE BUSINESS TO BE TAKEN UP DURING THE CURRENT SESSION OF THE RAJYA SABHA

MR. DEPUTY CHAIRMAN : I have to inform Members that the Business Advisory Committee at its meeting held today, the 8th December, 1972, allotted time as follows for Government Legislative Business to be taken up during the current Session of the Rajya Sabha :—

Business	Time allotted
1. Consideration and passing of—	
(a) The Code of Criminal Procedure Bill, 1970, as reported by the Joint Committee	4 hours.
(b) The Coal Mines Labour Welfare Fund (Amendment) Bill, 1972, as passed by the Lok Sabha	1 hr. 30 mts.
(c) The Indian Railways (Amendment) Bill, 1972, as passed by the Lok Sabha.	1 hr. 30 mts.
(d) The Delimitation Commission Bill, 1972, as passed by the Lok Sabha.	3 hours.
2. Consideration of a motion for reference of the Indian Penal Code (Amendment) Bill, 1972, to a Joint Committee	1 hour.

The Committee recommended that the House should sit up to 6-00 P.M. daily and beyond 6-00 P.M., as and when necessary, for the transaction of Government Business.