

made so far by the Food Corporation? When was it established and how much money has been spent so far on it?

Shri Govinda Menon: If it arises out of this question, the answer is that the Food Corporation was established on 1st January, 1965, and it is progressing from month to month in its achievements.

Shrimati Savitri Nigam: What are the salient points of achievements?

Mr. Speaker: The achievements are so many that they cannot be described during Question Hour.

Air Corporations

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*334. **Shri Kishen Pattnayak:**
Shri Madhu Limaye:
Dr. Ram Manohar Lohia:

Will the Minister of Transport, Aviation, Shipping and Tourism be pleased to refer to the reply given to Starred Question No. 1575 on the 10th May, 1966 regarding Air Corporations and state:

(a) whether the charges in the letter to the Secretary have since been examined;

(b) if so, how many charges have been found to be *prima facie* true and require a judicial probe;

(c) whether Government propose to set up a public inquiry; and

(d) whether any departmental or other action has been taken against the officers involved?

The Minister of State in the Ministry of Transport and Aviation (Shri C. M. Poonacha): (a) Yes, Sir. The result of the examination has already been conveyed to the hon. member.

(b) and (d). As the hon. member is aware the cases of 'P' form are within the cognisance of the Enforcement Directorate. The Corporation has found seven officers answerable of whom four are in the service of the Corporation. Disciplinary proceedings are being taken against them. As

regards Shri Bakshi who is under suspension, the inquiry has been completed and orders are likely to be passed in the course of a week. In the defalcation case in Hong Kong the official concerned is being prosecuted. In the ammunition case the officials who sent it without authority have been reprimanded.

As regards Shri Rustomji, action will be considered after the Bakshi case is disposed of. In no other case is it necessary to take any action, but as the hon. member is aware, Air-India have been asked to place all the matters before the Board with a view to bringing before it the general question of laxity in the working of the Commercial Department. The Board is meeting on the 19th August. After the Board's decision is known, the matter will be further considered by Government.

(c) Government consider that so far as these matters are concerned they are quite competent to deal with them and any issues that may arise and it is not necessary to have any public inquiry.

श्री किशन पटनायक : पिछली बार भंडी मद्रोदा ने बताया था कि करीब 132 केसेज के बारे में इन्कवारी अभी तक खत्म नहीं हुई है, क्योंकि एविडेन्सेज मिल नहीं रही हैं। इस का एक कारण यह हो सकता है कि एन्फोर्समेंट डाइरेक्टोरेट को जितने कागजात चाइये, वे नहीं दिये जा रहे हैं और उनको हाविल करना एन्फोर्समेंट डाइरेक्टोरेट की पावर के अन्दर नहीं है। मैं यह पूछना चाहता हूँ कि अगर इसका यही कारण है तो इन्कवारी को सी० बी० आई० को, जिनके पास ज्यादा शक्ति है, क्यों नहीं सौंप जा रहा है ?

Mr. Speaker: Why are they not being entrusted to the CBI for inquiry?

Shri C. M. Poonacha: The Enforcement Directorate is quite competent to deal with this, and they are invest-

gating the matter further. As for the remaining cases, the investigations are pending, and they are pursuing the matter and checking up the records with the Reserve Bank as well as the Air India.

Mr. Speaker: The question is whether they are feeling any difficulty in getting the records that are necessary.

Shri C. M. Poonacha: There are some difficulties because these are cases relating to 1963-64. Certain counterfoils, the reservation tickets, the passenger manifests etc. are not kept in record because they are destroyed periodically. Certain portions of the documents required are not in existence, because they are not continuously maintained.

Mr. Speaker: These are different things. It may be that on account of the fact that some documents have been destroyed there may be certain inherent difficulties. The question is whether they are feeling any difficulty in getting the papers which might be available because they might not be getting co-operation.

The Minister of Transport, Aviation, Shipping and Tourism (Shri Sanjiva Reddy): The corporation is giving all co-operation. All the papers are being shown to them.

श्री किशन पटनायक : एक अफसर के खिलाफ यह शिकायत थी और पिछली बार पूछा भी गया था, कि एक फर्जी टेलिक्स मैसेज के ऊपर पी० फ०म० हासिल किया गया था और वह उसके बाद अमरिका गया था, उसके बारे में क्या हुआ ?

Shri C. M. Poonacha: There was some doubt about the correctness of the TELEX message and that was verified; the correctness of the TELEX message from New York has been established and there is no further case to be investigated in that respect.

श्री० राम मरोहर लोहिया : अध्यक्ष महोदय, मंत्री जी ने पिछली बार यहां सिद्धान्त के रूप में कहा था कि जब तक ये एयर इंडिया

कारपोरेशन के नौकर रहते हैं और अपराध करते हैं, तब तो सरकार उसकी तहकीकात करती है, लेकिन अगर निजी व्यवसाय में उनको नौकरी मिल जाती है, पिछली दफा एक मामला ऐसा आया भी था कि उसको ऊंचो नौकरी मिल गई थी, उनके सम्बन्ध में सरकार क्या कर सकती है ? यहां सदन में मंत्री महोदय ने बताया था और खास तौर से इस प्रसंग में कि पी०फार्म और पासपोर्ट तक बिना हासिल किये हुए, लोग रफर करते हैं। न जाने कितने हीरे, मोती, कागजात विदेशी मुद्रा का हेर-फेर चलता रहा है, तो क्या मंत्री महोदय आज अपने उस सिद्धान्त को पुनरुत्थापन करने का विचार करते हैं और कहेंगे कि निजी व्यवसाय में ऐसे अपराधी लोगों के जाने पर भी तहकीकात कर के उनके ऊपर पूरी कार्यवाही करेंगे, बरखास्त करेंगे, उनकी सारी सम्पत्ति की जब्ती करेंगे।

Shri Sanjiva Reddy: Yesterday we had a half-an-hour discussion about it, and I had explained the whole case yesterday evening. Some of the officers have resigned. Our legal advice was that when in a corporation under the terms of service there is a clause to the effect that the corporation could send away an employee with a month's notice, the employee could also resign after giving a month's notice. But if there is any crime committed by the employee, the Enforcement Directorate, in spite of his resignation and his going and joining some other service, can go into the matter, and he could be called, his evidence recorded and punishment also imposed. That process is going on, in spite of the resignation of the officer and his joining some other private concern.

Shri Hari Vishnu Kamath: How long will it take?

श्री० राम मरोहर लोहिया : मंत्री महोदय ने बिल्कुल साफ़ ये शब्द इस्तेमाल किये थे

Mr. Speaker: मुझे भी याद आता है Perhaps, it was said the other day that when somebody retired and went into

employment under a private company or a private individual there was nothing that Government could do after that.

Shri Sanjiva Reddy: No, the Enforcement Directorate is continuing the investigations.....

Shri Daji: The question is being confused.

Mr. Speaker: If there is already some case registered, the Enforcement or any other agency can pursue it to its conclusion. But whether, when one person goes out into the employment of an individual or private company and there is nothing pending against him, can he be chased after some facts come to light, that is, after he has joined private service? Is that the question?

डा० राम मनोहर लोहिया : सिर्फ इतना ही नहीं, इससे भी आगे कुछ है। जब सरकार इन्ने व्यवसायों में खाली शिकायत पर गिरफ्तारी करती है, तो सरकार इनकी भी गिरफ्तारी करेगी, सम्पत्ति जब्त करेगी।

अध्यक्ष महोदय : आपका सवाल तो यही है।

डा० राम मनोहर लोहिया : इन सारी चीजों को मिला कर, क्या मंत्री महोदय उस सिद्धान्त का यहां प्रतिपादन करेंगे।

Shri Sanjiva Reddy: That is exactly what I said. When an employee resigns, you cannot prevent him from doing so. That was the advice given to us because it is a mutual contract beneficial to both the company and the individual. The Company can also send away an employee on a month's notice if it is not satisfied with his services. The employee similarly can get away, resign on a month's notice. Even presuming that he goes away and joins some other company, the Enforcement Directorate has the legal power to examine him and if there is some guilt, they can punish him. That is being pursued now.

डा० राम मनोहर लोहिया : अध्यक्ष महोदय, क्या आप उत्तर से सन्तुष्ट हो गये ?

अध्यक्ष महोदय : मैं तो हमेशा ही आपके सवाल और जवाब से सन्तुष्ट हो जाता हूँ।

डा० राम मनोहर लोहिया : मेरे सवाल से ही नहीं, क्या आप उनके जवाब से सन्तुष्ट हो गये ?

अध्यक्ष महोदय : जवाब के लिए भी मैंने साथ ही कहा है।

Shri Daji: The question is not about criminal liability. In cases where criminal liability is involved, the Enforcement Directorate can pursue it. But the question becomes pertinent if it is not a criminal liability but an irregularity or misconduct on the part of an employee of the Corporation. If it is not a violation of a law or bye-law but of a code prescribed by the Corporation, in such cases if he goes into the private sector, can he be pursued?

Mr. Speaker: He is putting a hypothetical question of law. Legal opinion cannot be taken here..... (Interruptions).

Shri Daji: My question is: where a serious irregularity has been unearthed, where the offence is that the employee brought in contraband ammunition on board the aircraft endangering the lives of the passengers and of the crew, when such a serious misconduct has been established, he has been let off with only a reprimand. Is it a sufficient punishment? The punishment has been so light and negligible.

Mr. Speaker: Order, order.

Shri C. M. Poonacha: The case that is referred to is quite a different one from the one mentioned by Dr Lohia. What Dr. Lohia asked was in respect of persons who have left the service of Air India....

Shri Daji: That was not my question.

Shri C. M. Poonacha: Let him please listen. To the question whether a person who has left the service of Air India can still be brought to book for certain irregularities committed by him, the answer given was that such a person was not free from the clutches of law, he can be brought to book and punished.

Shri Daji: My question is not that. The Minister said that one officer has been prosecuted out of four. One officer brought contraband ammunition in an aeroplane. . .

Shri C. M. Poonacha: He is still in the service of Air India.

Shri Daji: When there is such a serious misconduct like bringing in contraband ammunition; when first of all, it is a smuggling offence and secondly, when he endangered the lives of all the passengers and crew, why is it that the officer concerned has been let off with only a reprimand?

Shri Hari Vishnu Kamath: Sack him, and send him to jail.

Shri Daji: Is it because he is a big boss?

Shri Sanjiva Reddy: It is not that. The Corporation has considered all aspects of the question. . .

Shri Daji: What are the aspects?

Shri Sanjiva Reddy: We may not agree with the decision taken by it. I am only narrating the decision taken by the Corporation. The Corporation has inquired into it and has taken some action. As to whether it is light or severe is a different matter.

Shri Daji: This is not a full answer to my question.

Mr. Speaker: We cannot discuss here the actual punishment given to a person and say that it ought to have been higher.

Shri Daji: For bringing in ammunition only a reprimand?

Mr. Speaker: I cannot allow here a discussion during question hour as to whether the punishment meted out to an individual should be more severe or more lenient and so on.

General Election in J. and K.

*335. **Shri Yashpal Singh:** Will the Minister of Law be pleased to state the broad outlines of the steps taken to hold General Elections in Jammu and Kashmir?

The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman): The broad outlines of the steps taken and to be taken to hold General Elections in Jammu and Kashmir may be stated as follows:—

(1) It has been decided that the six seats in the Lok Sabha allotted to the State of Jammu and Kashmir shall be filled by persons chosen by direct election from territorial constituencies. For this purpose article 81 of the Constitution has been amended in its application to the State of Jammu and Kashmir by C. O. 75, dated the 29th June, 1966. That article as amended in its application to the State of Jammu and Kashmir provides *inter alia* that:—

(i) the State of Jammu and Kashmir shall be divided into six single-member territorial constituencies by the Delimitation Commission of India constituted under the Delimitation Commission Act, 1962 in accordance with such procedure as the Commission may deem fit;

(ii) the constituencies shall as far as practicable be geographically compact areas and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communications and public convenience.