[Shri Shivraj V. Patil]

the people in India and for the glory of our motherland.

18.01 hrs.

BUSINESS ADVISORY COMMITTEE
FIFTEENTH REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAIN SINGH): Sir ,I beg to present the fifteenth Report of the Business Advisory Committee.

HALF-AN-HOUR DISCUSSION
FOREIGN AIRCRAFT LYING ABANDONED AT BOMBAY

MR. CHAIRMAN: Now we will take the Half-an-Hour Discussion.

DR. VASANT KUMAR PANDIT (Rajgarh): On the reply given on 27th March, 1981 to my unstarred Question No. 5301 regarding foreign aircraft lying abandoned in Bombay Airport. Sir, I am surprised why such an able Minister has given such a lame answer to a non-political question? The question is casually treated and reply is 'so evasive that it hides more than it gives out. There is no motivation in this question. The question is of National Airport Security and Saftey. Therefore, my salient questions to you are. How the Airport Authority of India not taken any cognizance of this plane for the last two and a half years? Why was the plane allowed to lie in the operational area of the Airport for such a long time? How is it that your eyes were opened to the presence of the aircraft only when the aircraft started leaking its fuel? Why, for the sake of safety the aircraft was not defuelled? You have given the name of the owner of the aircraft. What attempts have been made by you to find out who was operating the plane? What is your landing and radar report? At what time did the plane land? What information you have with you about the crew and the pilot? All these vital informations are not there at all. What efforts you have made to find out the man who landed the plane? How did the customs come into operation after two and a half years of its presence? Sir, even a bicycle if it is lying in the operational area of the Airport would have been lifted. This is not a small two-winged aircraft. It is a Boeing aircraft lying there untouched. Therefore, has any gross negligence of duty been ascribed to some officials? Otherwise, the Minister has got to give me some valid reason as to why they did not touch this Boeing.

Was any *panchnama* done? What did the aircraft contain? Did you suspect that this aircraft was that of a smuggler? I would like to have details of the radar record, and of the landing record. Why was the plane allowed to land without schedule? By whom? What efforts were made, though Messrs. Jet Power U.S.A. to find out as to who was operating the aircraft at the time of the mishap?

The aircraft has not been removed from the operational area even to-day. What is the cause? Why is it that you have not removed it, even after confiscating it, thus endangering the security at, and safety of international airport? Why was the aircraft not defuelled? As a matter of safety, the airport authority should have done it. When did your Department come to know about this aircraft?

I have grave doubts that this aircrafts was operated by a smuggler or an international agent. If it was a case of somebody else chartering the flight, it could have been revealed, But the Government does not reveal anything at all, except the names of the owner and the lessee. Who was operating? What happened after this? When was the first enquiry instituted; what was the finding of the first enquiry? Did they say that the aircraft was lying for the last two years? Why was it not removed? Have you claimed parking charges or damages from anyone? These facts should have been revealed to us in the reply. Only then we could feel satisfied.

There are no political constraints. These are normal replies which an able Minister of your type should have given. I would like, therefore, the Government to fix responsibility—if there is a lapse. There has to be a lapse. Otherwise such a big article like the Boeing would not be allowed to lie there since 2nd November 1978 till my question was asked during the last session—when Government got awakened and alerted. I again repeated the question for them to get follow-up action, and now I have to institute this discussion. Only then will information be given out.

My request is: "Please don't hide anything. Let us have all the facts about it." What are you going to do? Mere suspension of the customs or any officer will not satisfy us. But why was this action not taken all this time? What was the deterring factor which caused this long delay?

You are in charge of the airports. So, it is your bounden duty to see that the airport is safe. Therefore, you should ask this question—put it to yourself: "Why was this plane allowed to be parked in an international airport for such a long duration of time?" What action have you taken against those persons who are responsible for this?

THE MINISTER OF TOURISM AND CIVIL AVIATION (SHRI A. P. SHARMA): First of all, I would like to thank my hon. friend for giving me the opportunity, by raising this Half-an-hour discussion, to clarify the position regarding this aircraft which is lying there for more than two years. Before I do that, I would like to tell the hon. House and also my hon. friend who has raised the Half-an-hour discussion, Mr. Pandit, that if he looks at his question about which a reference has been made—Unstarred question No. 5301—he will find that with regard to whatever information has been sought through it, point-wise information has been given.

Sir, in the initial stage, when this question was asked, certain points were raised, specific points were raised a specific answer was given. Therefore, there was no occasion to explain many other things which he has now raised in this discussion. Later on, under Direction 115, the hon. member raised the question of the crew and the pilot etc. which was not raised in the initial question.

You will find this aircraft in question, namely, B-720 bearing registration no N. 419/MA. registered in the United States of America belongs to M/s. M.C.A. Leasing Corporation, Miami, Florida, USA. This aircraft was operated by jet power through M/s. Air Express Bombay under Air-India flight numbers from March 1978 to August 1978 for transporting perishable cargo and live stock from Bombay to the Gulf countries. They operated this aircraft with the permission of the Director-General of Civil Aviation on flight to flight basis. Such an arrangement was found necessary because there was heavy demand for transportation of perishable articles and live stock to Gulf countries and Air-India did not have sufficient capacity to meet this demand nor did the Indian Non-scheduled Operators had suitable freighter aircraft for chartering by Air-India. This is the circumstance under which this aircraft was utilized under Air-India flight numbers. There was a specific condition also for that; and I would like to inform the hon. member that during the period from March 1978 to October 1978, this aircraft operated a total number of 104 flights. The operations were conducted on the explicit understanding with Air-India as under:—

(i) Flights would be operated under Air-India's flight numbers.

(ii) Operational responsibility would be that of the Operator.

(iii) Air-India would obtain necessary clearances from the DGCA.

[Shri A. P. Sharma]

(iv) The operator will at all times be responsible for dues on account of landing, parking navigational fuel, handling and other levies to the authorities concerned.

(v) The operator will pay 5 per cent of the charter price as booking commission to Air-India.

The crew list as submitted to Air-India was as follows:

(1) Capt. C. R. Benegar

(2) Capt. J. P. Barchal]

(3) Flt. Engineer P. A. Hagen.

This is the circumstance under which this aircraft was utilized under Air-India flight numbers. On 2-11-1978, this aircraft was found not fit to operate and it was grounded.

The International Airport Authority, who collects the landing and parking charges in all the international airports, not having received any payment on account of parking charges w.e.f. 2-11-78 initiated action for collecting the amount due from the owners/lessee. Despite all efforts the owner/lessee did not clear the dues and the Airport Authority placed the case before the Estate Officer on 25-7-1980. The Estate Officer after going through the formalities of sending the notices to the owners for appearance, issued ex-parte order on 30-12-1980.

This much time was taken for the various actions that were taken and the dues had to be recovered after disposing of the aircraft. Now, the present position is, so far as the Airport Authority is concerned, that this aircraft has been confiscated because in the meanwhile the Customs authorities came into the picture and they found that the aircraft is lying here for a period of more than six months, they confiscated it because this was considered to be an aircraft imported without permission and therefore necessary steps were taken by the Customs authorities and they have confiscated this aircraft. Now the latest position is that the aircraft has to be evaluated by the DGCA and then it has to be disposed of. That is the latest position.

I would like to tell my hon. friend only one thing in the end. And that is that all these things happened during the period 1978-79 and from the various actions taken—I would not remind him about 1979-80, he can understand himself, this did not happen during the period of this Government and action has been initiated by this Government in this respect and as a result of the action now this whole thing is going to come to an end, and this aircraft will now be disposed of according to the rules.

DR. VASANT KUMAR PANDIT: Till it is disposed of will it be removed from the operational area of the aircraft?

SHRI A. P. SHARMA: No. I have forgotten to answer one point, which Panditji mentioned just now. He raised the question about the danger to safety of the airport. There is nothing like that. It is lying in an area which does not hamper the safety of the airport in any way and it will remain there till such time as it is disposed of.

DR. VASANT KUMAR PANDIT: Full of fuel or without fuel?

SHRI A. P. SHARMA: That is nothing as there is no danger about it. There was leakage of fuel and that was rectified.

SHRI CHITTA BASU (Barasat): The hon. Minister has been pleased to give the background under which this particular aircraft was used for flights between India and the Gulf countries. May I know this, to get a further clarification, what was the particular reason for chartering the plane—this

particular aeroplane—for that purpose. I want to know whether other companies were also contacted, whether other aircraft of this nature were also contracted.

MR. CHAIRMAN: All this happened in the regime of another Government.

SHRI CHITTA BOSU: Beg your pardon?

MR. CHAIRMAN: This happened when this Government was not in power.

SHRI CHITTA BASU: That is not the question. The Government is a continuity. (*Interruptions*) It is not the question. I do not know how you can say sitting there. I am asking the Government, whichever party might in the Government it is the duty to tell us under what circumstances this particular company was contracted to have the benefit of that contract for leasing this particular aircraft for that particular purpose; whether other companies were contacted whether some tenders were floated, whether it was considered by the Government in all its entirety and a decision taken after considering all these, or was it taken just by a chance? What were the circumstances which led to the hiring of the particular aircraft of the particular company?

MR. CHAIRMAN: Mr. Minister, have you got the information?

SHRI CHITTA BASU: That is number one. My second question is, the plane was fit for operation on 2-11-1978. It was found not fit for operation. He admits it. And the leakage in fuel was noticed on 7-9-1980. When the plane was grounded, when was it found to be unfit for operation? Was it not necessary for the airport authority to see whether that particular aircraft contains fuel or whether it constitutes a security hazard? What are the particular reason why that enquiry was not conducted to see if there is any security hazard arising out of that aircraft which was lying at the airport?

Now, it has been confiscated. How does the Government propose to dispose of it? Do they went to sell it by way of scrap or do they propose to include it in the fleet of the Indian Airlines for the use of the company?

श्री रामविलास पासवान (हाजीपुर) : सभापति जी, मंत्री महोदय ने ठीक ही कहा था कि यदि इस प्रश्न के जवाब को देखा जाए तो ऐसा लगता है—इस में किसी हाफ-एन-आवर डिस्कशन की आवश्यकता नहीं थी । मंत्री जी ने अपने जवाब में जो दो बातें कही हैं उस से एक समस्या हमारे जैसे लोगों के दिमाग में उत्पन्न हो गई है कि इस के पीछे राज क्या है । सरकार किसी की हो, इधर की हो या उधर की हो, लेकिन जन प्रतिनिधि की हैसियत से किसी चीज के सम्बन्द में डाउट हो तो उस का स्पष्टीकरण आवश्यक हो जाता है। मंत्री जी ने जवाब में दो चीजें कहीं हैं—एक तो यह कि—

The aircraft has been confiscated by the customs authorities on 18-10-1980 under the Customs Act, 1962, after completion of formalities.

दूसरे यह कि—

Leakage in fuel was noticed on 7-9-1980 and it was rectified immediately.

हालांकि इस के सम्बन्ध में प्रश्न नहीं पूछा गया था, लेकिन उन्होंने जो जवाब दिया उस से ये सारे प्रश्न उत्पन्न होने शुरू हो गये । हम लोग बैलगाड़ी की कीमत तो लगा सकते हैं, लेकिन यह जो बोइंग जहाज है, जिस की कीमत तो मंत्री जी ही बता सकते हैं कि कितनी

[श्री राम विलास पासवान]

होगी । कम से कम एक करोड़ से ज्यादा तो होगी ही । किसी का 10 रुपया खो जाता है तो उस के लिए एफ० आई० आर० दर्ज कराई जाती है, चक्कर लगाते हैं लेकिन यहां तो एक करोड़ रुपये से ज्यादा सम्पत्ति का प्रश्न है । बल्कि दो करोड़ की सम्पत्ति है, जिस को छोड़ कर वह गायब हो गया । इस का मतलब है कि वह आदमी जरूर दो नम्बर का कारोबार करने वाला होगा या कुछ इस तरह का काम करने वाला होगा जिस की नजर में एक करोड़ रुपये की कोई वैल्यू ही नहीं है । कोई आदमी बोइंग जहाज को छोड़ कर क्यों चला जाएगा ? इस लिए इस के पीछे बहुत से प्रश्न उत्पन्न हो सकते हैं । इस लिए मैं मंत्री महोदय से पूछना चाहता हूं कि वह आदमी क्या करता है ? कहीं हिन्दुस्तान में आने का कोई दूसरा पर्पज तो नहीं था—स्मगलिंग या स्पाइंग का परपज तो नहीं था ?

मंत्री महोदय ने कहा कि उस के बिना अनुमति यहां आने के खिलाफ कार्यवाही कर रहे हैं । उन्होंने एक एक प्रश्न का जवाब दिया, लेकिन अभी तक यह मामला साफ नहीं हो रहा है, क्योंकि यह दो करोड़ रुपये की सम्पत्ति का मामला है जिस को छोड़ कर वह भागा हुआ है। प्रश्न यह है कि किस लिए गायब है ? वह क्या करता है ? चित्तु बसु जी और पंडित जी ने इस सारे मामले को उठाया है, इसलिए हम पर तोहमत कर रहे हैं कि हमारी सरकार थी । लेकिन हम इन्नोसेन्टली मंत्री महोदय से जानना चाहते हैं कि कौन इस के लिए जिम्मेदार है । जो इस के लिए दोषी हो, चाहे आप की एअर -पोर्ट अथारिटी हो, उस को सजा दी जानी चाहिए । इस में एअरपोर्ट की सुरक्षा व्यवस्था का प्रश्न है जिस से सारे प्रश्न जुड़े हुए हैं । इस लिये मैं सिम्पल सवाल करना चाहता हूं—करोड़ों रुपये की सम्पत्ति का वह बोइंग विमान वहां छोड़ने का तात्पर्य क्या है ? क्यों छोड़ा गया है ? कौन उस का मालिक है ? इस सम्बन्ध में सरकार पूरी जांच कराये तथा जो तथ्य हों उस को सामने लाये ।

श्री हरीश चन्द्र सिंह रावत (अलमोड़ा) : कई महत्वपूर्ण सवाल हमारे सम्मानित सदस्यों ने पूछे हैं । मैं भी मंत्री महोदय से दो प्रश्न पूछना चाहता हूं । एक तो यह है कि जो "जेट-पावर" कम्पनी है, इस को 1977-78 में एक से अधिक बार भारत में अपने बोइंग विमान लाने की इजाजत दी गई या नहीं दी गई ? यदि दी गई, तो किस की इजाजत से दी गई ?

दूसरे—क्या एअरपोर्ट अथारिटी, ने, जैसा मुझे ज्ञात है जब इस का फ्यूअल लीकेज हुआ था तो यह कहा था कि इस में सिक्योरिटी रिस्क है इस लिए इस को किसी तरह से डिस्पोज आफ कर दिया जाए । वह रिपोर्ट किस के इनीशियेशन से आई थी तथा उस को क्यों दबा दिया गया ?

SHRI A. P. SHARMA: First I would like to answer the points raised by my friend, Mr. Chitta Basu. I was at that time trying to say that if he had carefully listened to the answer that I gave to the question raised by hon. Pandit, perhaps, he would not have raised some of the questions which he had raised.

He raised the question of security hazard. I have already stated that this plane is lying in an area which does not interfere with the security of the airport at all. About the leakage of

the fuel, while it had been lying there, this leakage was noticed on 7th September, 1980. It was immediately rectified. Therefore, there was no question of security hazard on that account also.

This aircraft was found unfit to run on 2nd November, 1978 and the leakage took place on 7th September, 1980. He wanted to know the reason as to why this had happened. This aircraft has been lying in the airport area. Even if it hs not been lying there, it cannot be presumed that there cannot be leakage of fuel. But I am not a technician. I also admit that I have not tried to find out the cause of leakage. If my friend insists on that will certainly find it out and pass on the information to him or place it on the Table of the House. But this has not been enquired into. The leakage was found and it was set right.

SHRI CHITTA BASU: Why did the Government at that particular time hire that plane?

SHRI A. P. SHARMA: That is why I said that if he had carefully listened to the answer that I gave, then perhaps, he would not have raised some of the points.

I have already atated that this was an arrangement made because Air India's capacity at that time for transportation of perishable articles and livesstock to the Gulf countries was not enough. At that time, this was the person who came with this offer. Therefore, under the normal condition, this was accepted. There was no other person. Look at the condition. The condition is that all the expenditure will be incurred by the airline or the agent and only 5 per cent commission will be paid to Air India. I do not know what is in the mind of the hon. Member. If he had wanted to know whether somebody could have paid more than that, then perhaps, I could understand that. But I again repeat that that was the only party which turned up for this purpose. This had happened in 1978-79 when we were not in the Government. But even today, I do not find anythig wrong in the arrangement.

SHRI CHITTA BASU: Now it has been confiscated. How does the Government propose to dispose of it?

SHRI A. P. SHARMA: That point I already explained.

Shri Paswan in spite of the fact that he said that he does not want to impute motives, referred to many things. I wish he had imputed motives. Perhaps that will not help him. So, he has done it in an indirect way. I want to say very categorically that there is no other intention, it is a simple business transaction by the airlines and no other considerations were involved in this. That is all I can say.

Then he said that such a costly thing as an aircraft is lying there, he has not cared for it, what is the reason behind all this. I have not enquired into it. If he likes, I will enquire into it. But that will not help.

SHRI RAM VILAS PASWAN: You must enquire.

DR. VASANT KUMAR PANDIT: When the contract was over, the aircraft should have been returned. There was some *golmal*. We want some enquiry.

SHRI A. P. SHARMA: The aircraft was not returned, because it was not air-worthy. There was no other reason. Even if we hold a big enquiry about it, nothing is going to be found out. I would like my friends to be satisfied with this assurance that as soon as the evaluation is done by the DGCA, this will be disposed of.

श्री राम विलास पासवान : हम ने यह कहा था कि आप इस को इंक्वायरी करवाइए । सरकार को इस में आपत्ति नहीं होनी चाहिए । हम चाहते हैं कि सरकार इस की इंक्वायरी करे और इंक्वायरी करा कर उसे टेबिल पर रख दीजिए या हमारे पास भेज दीजिए ।

सभापति महोदय : किस बात की इंक्वायरी ?

श्री रामविलास पासवान : हम ने पूछा था कि इस का मालिक कौन है, जहाज को क्यों छोड़ा गया और उस की कीमत क्या थी । मंत्री जी ने कहा था कि अगर माननीय सदस्य चाहेंगे, तो हम इंक्वायरी करायेंगे । तो हम इंक्वायरी चाह रहे हैं ।

सभापति महोदय : इन्होंने सब बोल तो दिया है । He has replied who is the owner and why the plane was left behind.

श्री राम विलास पासवान : और क्यों छोड़े हुए हैं ।

MR. CHAIRMAN: Because, he cannot operate it. How can he take it?

SHRI A. P. SHARMA: It could not operate now. So, they are not taking it. They have to pay money to the air port and customs authorities. But they are not turning up to pay the money.

MR. CHAIRMAN: The House stands adjourned till 11 A.M. tomorrow.

18.33 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 9th April, 1981/Chaitra 19, 1903 (Saka

---

GMGIPND—388 LS—Mono (NS)— (NS)—8-7-81—890.