

MALPRACTICES IN TRANSPORTATION OF
FERTILISERS IN ANDHRA PRADESH

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*1472. SHRI RABI RAY :

SHRI SHARDA NAND :

SHRI KANWAR LAL GUPTA :

SHRI CHENGALRAYA
NAIDU :

Will the Minister of FOOD AND AGRICULTURE be pleased to state :

(a) whether it is a fact that he has consulted the Law and Home Ministries on the issue of ordering of C.B.I. inquiry into the malpractices detected in the transport of fertilisers in Andhra Pradesh;

(b) if so, the details thereof; and

(c) what concrete steps Government have taken to order the C.B.I. inquiry ?

THE MINISTER OF STATE IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION (SHRI ANNASAHIB SHINDE) : (a) Yes, Sir.

(b) and (c). The Ministries of Law and Home have advised that the consent of the State Government has to be obtained before entrusting the inquiry to the C.B.I. Action to consult the State Government is being taken.

श्री रवि राय : अध्यक्ष, महोदय, यह एक बहुत अहम मसला है। आप जानते हैं कि पिछले महीने 13 तारीख को इस मसले पर यहां बहस हुई थी। मंत्री महोदय का कहना है कि विधि मंत्रालय और गृह मंत्रालय इस पर राजी हैं कि इस को सी० बी० आई० को सौंपा जाय। लेकिन राज्य सरकार से अभी अनुमति नहीं ली है। तो मैं जानना चाहता हूँ कि राज्य सरकार से इतनी देर तक अनुमति क्यों नहीं ली गयी? मैं आप का ध्यान आन्ध्र प्रदेश की पी० ए० सी० की रिपोर्ट की तरफ खींचना चाहता हूँ जिस में कहा गया है कि :—

I quote from the Third Report of the P.A.C. of the Andhra Pradesh Legislative Assembly :

"In view of what has been stated in the preceding paragraphs, the Committee is of the view that the State Government as well as the Centre should make a thorough probe into the whole question in detail without any loss of time by entrusting it to the Central Bureau of Investigation or such other Agency as is deemed fit."

इस में तीन करोड़ 77 लाख रु० का घोटाला है और इन के दल का मंत्री इस में फंसा है। मैं मंत्री जी से जानना चाहता हूँ कि 24 दिन बीत चुके हैं और कितना समय आप लेंगे राज्य सरकार से अनुमति लेने के लिये ?

SHRI ANNASAHIB SHINDE : We have already addressed a communication to the State Government and we expect that the State Government would convey their views as early as possible. As far as I know, I do not think that there is any delay at all and I assured on the floor of the House that I have to consult the Ministry of Law and Ministry of Home Affairs. They have expressed a view that consent of the State Government is absolutely necessary.

In order to clarify the position further, I would like to draw the attention of the hon. Member to the Report of the Estimates Committee (Seventy-eighth Report) wherein they have said that as per the existing law, the consent of the State Government is necessary.

MR. SPEAKER : So, it is only a question of consent.

श्री रवि राय : यह सरकार जानबूझ कर इस मामले में विलम्ब कर रही है, यह मेरा चार्ज है इस सरकार पर क्यों कि इन के दल का मंत्री इस में फंसा है। इसलिये मैं जानना चाहता हूँ कि क्या मंत्री महोदय के ध्यान में यह बात आयी है कि पिछली बार मैंने श्री रत्नासभापति का मेमोरेण्डम इस सदन के पटल पर रखा था, और श्री यिम्मा रेड्डी ने जो आन्ध्र विधान सभा में

जवाब दिया है उस में उस मेमोरेण्डम का कोई खंडन नहीं किया है। श्री ब्रह्मानन्द रेड्डी ने इस मामले की जांच करने के लिये श्री ई० बी० रामा रेड्डी को स्पेशल सेक्रेटरी नियुक्त किया था। क्या यह सही है कि इस स्पेशल सेक्रेटरी की रिपोर्ट श्री थिम्मा रेड्डी के लिये खतरनाक आयी है? यदि हां तो उस में क्या लिखा गया है? एक मंत्री के खिलाफ पी० ए० सी० की रिपोर्ट है, और महीना बीत गया राज्य सरकार से अभी तक आप ने कोई अनुमति नहीं ली है, कहते हैं कि विधि मंत्रालय और गृह मंत्रालय अनुमति दे चुका है, लेकिन राज्य सरकार ने अनुमति नहीं दी है। और जिन सज्जन के खिलाफ यह रिपोर्ट है वह मंत्री पद पर अभी तक विराजमान हैं।

SHRI ANNASAHIB SHINDE : The P.A.C. Report, as the hon. Member himself is aware, has been submitted to the State Government.

अध्यक्ष महोदय : अब तो सिरफ़ अनुमति का झगड़ा है।

SHRI ANNASAHIB SHINDE : That I have already replied.

श्री रवि राय : पिछली बार मैंने श्री रत्नासभापति का मेमोरेण्डम सभा पटल पर रखा था। उस के जवाब में श्री थिम्मा रेड्डी का जो जवाब विधान सभा में उन्होंने दिया है, उस को भी मैं अध्यक्ष महोदय, आपकी अनुमति से सभा पटल पर रखना चाहता हूँ। इस को मैं सचिव को दे दूंगा।

अध्यक्ष महोदय : आप दे दीजिए मैं देख लूँगा।*

SHRI KANWARLAL GUPTA : I shall put my question later.

MR. SPEAKER : The next man is already standing at your back.

*The speaker subsequently not having accorded the necessary permission, the paper/document was not treated as laid on the Table.

SHRI CHENGALRAYA NAIDU : When the State Government is already enquiring into the matter, why is it necessary for the Central Government to interfere for a C.B.I. enquiry? There is nothing against the Minister. In this case, the Minister has allotted the fertilisers to the private people. Only the private dealers have committed this mistake; they have deceived the government by selling the stocks. Without transporting them, they have drawn this amount from the Government. So, only the private dealers are responsible. How can the Minister be responsible? (Interruptions) He is not here to defend himself.

श्री रवि राय : देखिये अध्यक्ष महोदय, माननीय सदस्य क्या जवाब दे रहे हैं। इस मामले में पी० ए० सी० ने अपनी रिपोर्ट दी है, कोई मैं अपनी तरफ़ से नहीं कह रहा हूँ।

SHRI CHENGALRAYA NAIDU : The Minister has not done anything. There was a demand for fertilisers.

MR. SPEAKER : May I request the hon. Member to put his question and not to defend anybody else?

SHRI CHENGALRAYA NAIDU : I am putting my question. When there was a heavy demand for fertilisers in Andhra Pradesh, and when the co-operatives were not able to meet the demand, he had allotted stocks to private people to help agriculturists. I would like to know whether it is not a fact that he had allotted stocks to private people to help the agriculturists, and if so, in what way he is responsible.

श्री रवि राय : प्राइवेट पीपुल और प्राइवेट कम्पनियां यह सब फाल्स हैं। मैं सम्बन्धित जानकारी सदन के पटल पर रखना चाहता हूँ।

SHRI P. VENKATASUBBALAH : The private dealers helped themselves.

SHRI CHENGALRAYA NAIDU : The private dealers ought to have transported it, but they did not do so. So, it is they who are responsible and not the Minister. Why should the Central Government inter-

ferre, when already the State Government have arrested some people and they are proceeding with the case?

SHRI ANNASAHIB SHINDE : I would not like to go into the merits of the case and express my views in regard to the facts of the case, especially since, as the hon. Member himself has indicated, the State Government have already instituted some inquiry through their CID. The question of CBI inquiry came because the PAC had suggested that this might be entrusted to the CBI. We are now seeking the consent of the State Government, and if the State Government gives the necessary consent, perhaps, as per the desire of the PAC, this can be entrusted to the CBI for further inquiry.

श्री कंबरलाल गुप्त : मंत्री महोदय ने कहा कि वहां की सी० आई० डी० पुलिस इनक्वायरी कर रही है। जाहिर है कि जब वहां के मिनिस्टर खुद इनवीलण्ड हैं तो यह राज्य सरकार का सी० आई० डी० से इनक्वायरी कराना बिलकुल फार्स है क्योंकि दस करोड़ रुपये का फटिलाइजर्स यहां पर आया था और दस करोड़ में से दो करोड़ रुपये के फटिलाइजर्स के लिए थिम्मा रेड्डी साहब ने 500 परमिट्स इश्यु किये और वह गड़बड़ घुटाला हुआ। ट्रान्सपोर्ट का जहां तक सवाल है हालांकि उसे ट्रकों के जरिए जाना था लेकिन वह ट्रकों के जरिए पहुंचा नहीं... (व्यवधान)

श्री रवि राय : वह कौन है जो इस तरह से बीच में खड़े होकर बोलने लग जाते हैं? वह तो वकील हैं और उन्हें सदन का कायदा जानना चाहिए।

SHRI K. NARAYANA RAO : The scope of the question is very limited. I rise on a point of order. The limited question is whether Government have sought the opinion of the Law Ministry and the Home Ministry and if so, what it is. The answer is that they are seeking the consent of the State Government. There

ends the matter. Further discussion is out of the question now.

MR. SPEAKER : The question was about the CBI inquiry. The answer was that they had sent the papers for the consent of the State Government. The next question is : Why is the consent of the State Government necessary, when the PAC has already asked for it? Out of that, a number of other questions have arisen. As the hon. Member knows, the custom of this House is very much expansionist in these matters.

श्री कंबरलाल गुप्त : अध्यक्ष महोदय, मैं आपसे बिलकुल सहमत हूँ...

SHRI S. KANDAPPAN : The observation that you have just now made raises a very important issue. The PAC of the State is within the State and it submits its report to the State Government and not to us. Is it within the purview of Parliament to take cognizance of the PAC reports and the Estimates Committee reports of the States?

MR. SPEAKER : Perhaps, the House is already aware that we had a discussion in this House on that basis, and a number of other questions were involved, and the PAC's report was one of them.

SHRI RABI RAY : That is a public document.

MR. SPEAKER : The hon. Member is perfectly justified in asking of me this question. That is really a question on which we should have a thorough study. But so far as this matter is concerned, I think, for the present, this is only a question about the CBI inquiry. I do not wish that we should go into the other details.

SHRI CHENGALRAYA NAIDU : Already an inquiry is on. They have arrested some people. How can there be any interference in the middle of that?

SHRI PILOO MODY : Any public document which has been published is within the purview of this House to discuss. If there is a book written by a certain indi-

vidual, we can discuss it here. I see no reason why we should not be able to discuss the PAC's report to the State Government; because it happens to be a State of the Union, it should not preclude a discussion here of the report.

MR. SPEAKER : That is a matter which needs further study.

SHRI S. KANDAPPAN : The PAC has made certain recommendations to the State Government concerned and that Government is expected to reply to that. Therefore, this is not a public document as contended.

SHRI P. VENKATASUBBAIAH : On a point of order.

MR. SPEAKER : I would request members not to raise points of order so frequently during question hour. He can ask a supplementary.

श्री कंबरलाल गुप्त : अध्यक्ष महोदय, छोटे-छोटे चोर पकड़े गये लेकिन डाकू नहीं पकड़ा गया। दरअसल डाकू पकड़ा जाना चाहिए।

अध्यक्ष महोदय, मेरा कहना यह था कि स्टेट गवर्नमेंट जो इनक्वायरी सी० आई० डी० पुलिस से करवा रही है वह फार्स है क्योंकि इस में जैसा अभी मेरे दोस्त नायडू साहब ने कहा कि छोटे-छोटे लोग तो पकड़े गये लेकिन जो बड़े मगरमच्छ हैं, डाकू हैं वह नहीं पकड़े गये और वह तब तक पकड़े भी नहीं जा सकते हैं जब तक कि इस की इनक्वायरी स्टेट गवर्नमेंट के जरिए से होगी। सवाल यह है कि जब यह सिद्ध हो गया कि 500 स्पेशल परमिट्स उन्होंने दिये और यह भी सिद्ध हो गया कि केवल तीन कम्पनियाँ ऐसी हैं जिनको कि दिया गया, सारे फर्टिलाइजर्स का 18 परसेंट इन तीन कम्पनियों को दिया गया तो इस सब के होते हुए मैं पूछना चाहता हूँ कि क्या जो इस तरह के करप्ट मिनिस्टर हैं उस को जब तक नहीं हटायेंगे तब तक आप की यह इनक्वायरी

इम्पाशियल नहीं होने वाली है और मेरा पहला सवाल यह है कि उन्हें आप क्यों नहीं हटाते? दूसरा सवाल मेरा यह है कि जहाँ तक आप की स्टेट गवर्नमेंट की परमिशन...

MR. SPEAKER : He should not go out of the scope of the question. The simple question is whether he has consulted the Law and Home Ministries about a CBI inquiry. The Minister answered that the Law Ministry has advised that it is all right; the consent of the State Government should be obtained. He should not go out of that.

श्री कंबरलाल गुप्त : अध्यक्ष महोदय, मेरे दो सवाल हैं। एक तो यह कि जब प्राइमफेसी उस मंत्री के खिलाफ आरोप इस्टैबलिश हो गया तो मैं मंत्री महोदय से यह पूछना चाहता हूँ कि आप स्टेट गवर्नमेंट से यह परमिशन क्यों मांगते हैं कि सी० वी० आई० से उस की इनक्वायरी हो क्योंकि स्टेट गवर्नमेंट तो उस मंत्री को शील्ड करने में इंटरस्टेड होगी?

दूसरा सवाल यह है कि उस करप्ट मिनिस्टर के होते हुए क्या इम्पाशियल इनक्वायरी हो सकती है? क्या सी० आई० डी० कोई इम्पाशियल इनक्वायरी करा सकती है?

SHRI K. NARAYANA RAO : This is an allegation. This is too much.

MR. SPEAKER : I quite appreciate his point of order.

SHRI K. NARAYANA RAO : He cannot impute motives. This is a sphere in which the State Government has complete jurisdiction.

SHRI KANWARLAL GUPTA : He is a corrupt Minister. Why does he want to shield him? Whether he belongs to the Congress or any other party is beside the point.

SHRI K. NARAYANA RAO : Even the PAC report has asked the State Government to institute an investigation. So

whether it is the CBI or some other agency, it is the same thing.

SHRI KANWARLAL GUPTA : He should resign; he should be prosecuted.

MR. SPEAKER : I request you not to interfere during the question hour. When I am here, why should you worry about these technical points?

SHRI ANNASAHIB SHINDE : I have already explained the position. I have also stated that some of the cases are being enquired into by CID. As for the suggestion made by the PAC and some of the hon. Members here that the CBI should be asked to enquire into it, I have explained the position that the Government of India have no objection to it provided the necessary consent is forth coming from the State Government.

श्री कंबरलाल गुप्त : अध्यक्ष महोदय,
मेरे स्वाल का जवाब नहीं आया . . .

MR. SPEAKER : Your question was not so relevant, and I allowed it. I am not going to allow it any further.

SHRI ANNASAHIB SHINDE : Allegations should not be made against persons who are not here to defend themselves. If the enquiry is to be made, let the enquiry take its own course.

MR. SPEAKER : I have a number of times asked Members to avoid reference to gentlemen outside who are not here to defend themselves.

SHRI K. SURYANARAYANA : One-fourth of the fertilisers was allotted to the private merchants and co-operative societies. There is no doubt that there have been malpractices. Even the Government is not denying this. It has to be enquired into how this has happened and who is responsible. Rs. 3 crores are involved in this matter, and I am also one of the persons who have complained to the Andhra Government. The transport charges are very heavy if moved by road, and we cannot get the fertilisers in time. So, may I know whether the Government of Andhra Pradesh have requested the Government of

India to transport the fertilisers by rail in wagons, and if so, what action have they taken?

MR. SPEAKER : This question is about the CBI enquiry and legal advice in regard to it. You are asking too general a question.

SHRI K. SURYANARAYANA : Because a wrong impression is being created, I want to say that we know some facts and that the Government of India is not arranging for rail transport of fertilisers by wagons as requested by the Government of Andhra Pradesh.

SHRI P. VENKATASUBBAIAH : I had written a letter to the Home Minister on 22nd April, and his Additional Private Secretary was good enough to acknowledge my letter. Apart from that, I would invite the attention of the Speaker and the House to the relevant portions of the PAC Report which forms part of the proceedings of this House, since this House has debated that report and the report has also been laid on the Table of this House. So, it is as much the responsibility of this Government. Even the PAC report has not precluded investigation by the CBI. They said it should be done simultaneously, that the State Government as well the Central Government should make a thorough probe into the question in detail. It is not as though the CID enquiry is made by the State Government. The PAC specifically requested the Central Government to entrust it to the Central Bureau of Investigation and the Government of Andhra Pradesh have no objection to Central investigation and the question should be examined in detail without any loss of time. More than a month had passed. I only request that things should be cleared up and be kept above suspicion in public life. His senior colleague happens to the head of his party organisation and his counterpart in Andhra Pradesh once happened to be the President of the ruling party in that State. In the interest of public morality it is necessary that Mr. Thimma Reddi has to be exonerated. I do not say that he should be punished if he had not committed any mistake. I only say that this

Government should take it up as an issue of public morality, and public ethics and impression on the State Government the need to entrust it to the CBI. I had already received reports that in regard to CID enquiry, evidence is being suppressed and all the documents are being cornered because people who are financially and politically strong are able to suppress things. I wanted to make a request to the Central Government to see that it is entrusted to the CBI without delay. I am not making any allegation.

SHRI ANNASAHIB SHINDE : The hon. Member was Chairman of the Estimates Committee himself and this is what the Estimates Committee has recommended to this House :

"The CBI at present derives its legal power of investigation from the Delhi, SPE Act, 1946 under which its investigation division—called the Delhi SPE Division—is empowered to investigate offences, notified by the Central Government, in the State with the consent of the Governments of those States. Thus, if a State Government does not consent to the jurisdiction of the CBI over that State in respect of any offence, the CBI will not be able to investigate cases even against Central Government servants or cases relating to Central Acts within the territorial limits of that State. Moreover, the CBI's non-investigation Divisions like Crime Records, Statistics, Research and Policy Divisions, depend for the exercise of their functions upon the assistance extended by the State Police. There being no legal basis for these Divisions, such assistance has been forthcoming on an informal basis and is dependent on the goodwill of the Inspectors General of Police of the States. In the circumstances, the Committee feel that it is necessary to give a statutory basis to the CBI in order to place it on a firmer and sounder footing."

Since that is the position, I do not think any motive should be attributed to the Central Government.

SHRI P. VENKATASUBBAIAH : I do not attribute any motive. Please go into the records and see what I said. It is a unanimous report of the PAC and they have requested that it should be done without any loss of time and I only requested that the Centre should impress upon the Andhra Pradesh Government the need to entrust the case to the CBI without any loss of time so that proper investigations could be made. There should be no misunderstanding of what I said.

SHRI S. KUNDU : The hon. Minister tried effectively to mislead the House so far as the Estimates Committee's report is concerned. Mr. Venkatasubbaiah was quite right. The recommendation does not presuppose that you shall have to have the consent of the State Government while ordering the CBI enquiry but it only says that to make the enquiry effective there must be the consent of the State Government. All these enquiries that have been made so far, how many had been ordered without the consent of the State Government and in how many cases have they not co-operated? Please do not throw dust into the eyes of the people by taking a clue to your advantage from the Estimates Committee's report.

You are the custodian of this House. I should like to know whether the money—it is said that this is one of the greatest swindles on earth, Rs. 3.5 crores—is the money of the Central Government given on loan to Andhra Pradesh and this was given for the purpose of moving the fertilisers and if it is our money, then the CBI can go without asking the State Government. In addition to this, the PAC has also recommended this course of action. Therefore, I would like to know what is the hurdle in it. Charges have been levelled there in the State Assembly by one MLA—Shri B. Rathnasabapathi. There have been two specific charges. I would like to know whether he has said categorically that Rs. 2½ crores have been swindled as between the private parties and this Minister, and

MR. SPEAKER : Order, order. You have put the question.

SHRI S. KUNDU : Let me complete.

SHRI ANNASAHIB SHINDE : All these facts have been taken into consideration by the Home Ministry and the Law Ministry before advising me that the consent of the State Government is necessary. I am sorry I cannot go beyond that.

SHRI S. KUNDU : Sir, he did not answer my question.

SEVERAL HON. MEMBERS : There was no question in it.

MR. SPEAKER : Yours was a suggestion. He has taken due note of it. I think enough time has been spent on this question. I am passing on to the next question. Shri Dar—absent.

SHRIMATI SUCHETA KRIPALANI : Sir, one question. My name was also there in the Calling Attention about this question. The Government has expressed its inability to take any steps regarding the enquiry by the CBI. I would like to know whether the Government will stop paying subvention for the transport charges, and if they cannot stop corruption, at least will they take steps to save their money?

MR. SPEAKER : It does not arise out of this question.

श्री राम सेवक यादव : अभी मंत्री महोदय ने शुरू में बतलाया कि गृह मंत्रालय और विधि मंत्रालय ने अपनी राय भी दी है कि इस पर सी० बी० आई० की जांच होनी चाहिये। मैं जानना चाहता हूँ कि इस राय को देने के पहले क्या गृह मंत्रालय ने इस के अन्दर जो भ्रष्टाचार हुआ है फटिलाइजर्स की विक्री के सम्बन्ध में उस के बारे में कोई जानकारी हासिल की? दूसरी बात यह कि राज्य सरकार को अनुमति क लिये कब लिखा गया और राज्य सरकार ने अनुमति क्यों नहीं दी इस के बारे में उन का कोई उत्तर आया या

नहीं? अगर नहीं आया तो इस मंत्रालय ने इस को पर्यूर किया या नहीं?

SHRI ANNASAHIB SHINDE : I am sorry the Home Ministry and the Law Ministry have not expressed any views as to whether a CBI enquiry should be there. When on the last occasion the hon. Members asked why it has not been entrusted to the CBI because the PAC had made that demand, I said that I would first consult the Ministry of Law and the Ministry of Home Affairs and then take further steps. Now, I have mentioned that the Ministry of Home Affairs and the Ministry of Law have advised me that the consent of the State Government is necessary for making an enquiry. We have recently written to the State Government. After obtaining the advice of the Home Ministry, we shall consider it.

श्री राम सेवक यादव : राज्य सरकार को आप ने कब लिखा ?

SHRI ANNASAHIB SHINDE : I will have to find out the dates.

MR. SPEAKER : You can give them later on.

SHRI SURENDRANATH DWIVEDY : Under the rules, is it not possible for the State Government itself to file a complaint before the Special Police Establishment so that the CBI may be entrusted with this enquiry, and in view of the recommendation of the PAC, may I know whether the State Government has been asked to file a regular complaint before the Special Police Establishment so that the CBI enquiry may be taken up?

SHRI ANNASAHIB SHINDE : It is for the State Government to make up its mind in the matter. I have made the position of the Government of India very clear : if an enquiry has to be made by the CBI, we have no objection. We are prepared to entrust it to the CBI, but it is for the State Government to give its consent. I cannot say on behalf of the State Government.