

Urgent Public Importance

श्री सुशील चन्द्र महन्त (हरियाणा) :
उपसभापति महोदय, यह मामला स्टेट
गवर्नमेंट के बाहर का है।

श्री उपसभापति : ला एंड आर्डर
स्टेट गवर्नमेंट का विषय है।

श्री सुशील चन्द्र महन्त : यह नेशनल
इम्पोर्टेंस का मामला है ;

श्री उपसभापति : पंजाब पर सारी
बहस हो चुकी है।

श्री राम नरेश कुशवाहा : नई स्थिति
पैदा हुई है। पहले एक तरफ से हो रहा
था अब दोनों तरफ से हो रहा है। नई
स्थिति पैदा हो गई है। पंजाब सरकार
कोई काम नहीं कर रही है। इसलिये इस
मामले में केन्द्रीय सरकार का कोई रोल
है या नहीं है ?

श्री सुशील चन्द्र महन्त : वहाँ पर
स्थिति विस्फोटक है और इसके लिये
बड़ा भारी प्रबंध होना चाहिये। इसलिये
आपको अपनी जिम्मेदारी को समझना
चाहिये, घबराना नहीं चाहिये। आप डरते
क्यों है, दूर क्यों भागते हैं।

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

Report submitted by the Joshi Enquiry
Committee on the Ferranti Deal Concerning
procurement of Telemetry system for Oil and
Natural Gas Commission and Indian Oil
Corporation.

SHRI SURESH KALMADI (Mah-
rashtra): Sir, regarding my Calling Attention, this is
the first time in 30 years that there is a Calling
Attention on the working of the Electronics
Ministry. And I request that the Prime Minister
must be present in the House because it involves the
ministers it involves top bureaucrats in the Ministry
of Electronics. And I request through you, Sir, that
the Prime Minister must be present at the time of
the Calling Attention.

MR. DEPUTY CHAIRMAN: The Minister
concerned is here. He will reply.

SHRI SURESH KALMADI: The Ministry of
Electronics. And I request and I request that the
Prime Minister must be here.

श्री राम नरेश कुशवाहा (उत्तर प्रदेश) :
मान्यवर, कॉलिंग अटेंशन लेने के पहले इस पर
थोड़ी देर के लिये सब की बात सुन तो
लें। आखिरकार . . . (व्यवधान)

श्री उपसभापति : बैठिये आप कृपा कर
के। यह स्टेट सब्जेक्ट है, डाइरेक्ट,
ला एंड आर्डर से सम्बन्ध रखता है और
फिर . . . (व्यवधान)

श्री शिव चन्द्र झा (बिहार) : इसकी
नेशनल इम्पोर्टेंस है। (व्यवधान)

श्री राम नरेश कुशवाहा : हम लोग
साइलेंट स्पेक्टेटर्ज तो नहीं हैं (व्यवधान)
उसकी तरफ देखते रहें (व्यवधान)
आप जरा सुन तो लीजिये (व्यवधान)।

श्री उपसभापति : सुनने की कोई
जरूरत नहीं है। आपने प्वाइंट रेज कर
दिया ठीक है।

श्री राम नरेश कुशवाहा : यदि नहीं
सुनते हैं तो मैं सदन में जा रहा हूँ।

[इस समय माननीय सदस्य
सदन से उठ कर चले गये]

श्री लाल कृष्ण आडवाणी : (मध्य
प्रदेश) : उपसभापति जी आपने कहा कि
कॉलिंग अटेंशन विचाराधीन है इसलिये
मैंने कुछ नहीं कहा लेकिन मैं इस बात
पर ज़रूर बल देना चाहूंगा कि पंजाब की
परिस्थिति ऐसी नहीं है जिसको कि टैक्निकल
ग्राउंड्स पर ला एंड आर्डर का मामला
बताकर उसको रिजेक्ट कर दिया जाये .

श्री उपसभापति : आइवाणी जो आप कृपा कर के अर्थ का अनर्थ मत लगाइये मैंने कभी नहीं कहा कि बहस नहीं हो सकती (व्यवधान) ।

श्री लाल कृष्ण आइवाणी : पटियाला की स्थिति परसों के बाद पैदा हुई है ।

श्री उपसभापति : ठीक है आपने नोटिस दिया है तो उस पर विचार कर लिया जायेगा ।

श्री लाल कृष्ण आइवाणी : आप कृपा कर के कीजिये । शूट एट साइट आर्डर साधारणतया नहीं दिया जाता है । इस पर आप विचार कर लें और फैसला कर लें ।
Sir, Mr. Kalmadi is about to call the attention of the Minister. Till now the practice in the House has been that the statement that is about to be read by the Minister is made available to the Members. So far the statement is not made available...

SHRI A. G. KULKARNI (Maharashtra) : Sir, how can we proceed without a statement by the Minister giving the factual position? (Interruptions).

MR. DEPUTY CHAIRMAN: Just a minute.

THE MINISTRY OF STATE IN THE DEPARTMENTS OF SCIENCE AND TECHNOLOGY, ATOMIC ENERGY, SPACE, ELECTRONICS AND OCEAN DEVELOPMENT (SHRI SHIVRAJ V. PATIL): Sir ...

SHRI SURESH KALMADI: This is a correct example of how the Ministry works. (Interruptions),

MR. DEPUTY CHAIRMAN: You don't hear the reply. You don't wait for the reply and you go on speaking

हल्ला मचाते रहेंगे और किसी की बात नहीं सुनेगे (व्यवधान) आप लोग ही

बोलते रहिये (व्यवधान) जवाब दे रहे थे अच्छा अब आप पढ़िये।

SHRI SURESH KALMADI: Sir, I beg to call the attention of the Minister of Science and Technology, Space, Electronics and Ocean Development to the report submitted by the Joshi Enquiry Committee on the Ferranti deal concerning procurement of telemetry system for Oil and Natural Gas Commission and Indian Oil Corporation involving serious irregularities and loss of foreign exchange; and the action taken by the Government in this regard.

SHRI SHIVRAJ V. PATIL: Mr. Deputy Chairman, Sir, Computer-based Telemetry systems were needed for the Oil and Natural Gas Commission and Indian Oil Corporation.

The matter was discussed in meetings of Senior technical representatives of ONGC, IOC, ECIL, DOE. At a meeting held on March 5, 1980, a decision for procurement of such telemetry equipment through an integrated tender covering both the ONGC and IOC requirements and involving transfer of technology from abroad, was taken by collective unanimity of all four agencies. To deal with this matter, an Interagency Committee was constituted.

श्री लाल कृष्ण आइवाणी : आप कृपा कर के कीजिये । शूट एट साइट आर्डर साधारणतया नहीं दिया जाता है । इस पर आप विचार कर लें और फैसला कर लें ।

The Interagency Committee called for the tenders, examined them, and assessed the capabilities of the tenderers. On the basis of the report of the Committee, which was unanimous, it was decided that the Telemetry systems may be procured from Messrs. Ferranti Ltd., of U.K. It was also decided that the technology for making those telemetry systems could also be transferred to ECIL. This recommendation was then approved by the ONG Commission and the Boards of Directors of IOC and ECIL.

Some oral complaints were received by the then Minister of State for Electronics, Shri C. P. N. Singh, alleging that some irregularities had

[Shri Shivraj V. Patil]

been committed by Secretary, Electronics Commission, in this case. It was ordered that a preliminary, factfinding, enquiry should be carried out. Initial examination was done by three officers of the Department of Electronics who have submitted their observations. Meanwhile, the initial import of telemetry equipment by ONGC and IOC could not be undertaken in the absence of approval of the technology transfer agreement to ECIL. ONGC and IOC were concerned that their projects should not be delayed. After taking all factors into account, it was decided to approve the technology transfer agreement. It may be noted that no comments were asked for from Secretary, Electronics Commission when these officers presented their observations. The complaints in the newspapers and statements in the Press are entirely based on the statements and observations of two of these three officers. The observations of these two officers are being examined further taking a total view of the transaction, by Deputy Minister for Electronics and Secretary, Department of Electronics. The Deputy Minister and Secretary are also inviting the other agencies, i.e., ECIL, ONGC and IOC to give their comments and views on the various issues raised, and also those of Secretary, Electronics Commission, who has given some comments.

The relevant papers which are in the different departments and offices run into thousands of pages. Only after following a correct procedure for the enquiry and after assessing the evidence at an appropriate level which is at the level of the Deputy Minister and Secretary, Department of Electronics, that an accurate conclusion can be arrived at. The fact finding enquiry was conducted by officers junior to the Secretary, Electronics Commission, and further the views and comments of Secretary, Electronics Commission,

had not been obtained by them before submitting their report.

The remarks of the Deputy Minister and the previous Minister of State have to be seen in the light of these facts. They have emanated only from the fact-finding enquiry by the two officers, which did not give any opportunity to go into all relevant files and examine all concerned persons.

The House may rest assured that the matter would be thoroughly examined, correct conclusions would be drawn and justice in the case in all respects would be done.

SHRI SURESH KALMADI: Sir, this is a first calling attention in 30 years relating to the Ministry of Electronics, and I think it is a good opportunity as any, to discuss this Ferranti deal which has rocked the country on the disclosures of Mr. Shubhabrata Bhattacharya of "Telegraph" and "Sunday." In spite of the Prime Minister's proclamation on the need for self-reliance, indigenous electronics industry in this country has been left high and dry and has been by passed time and again. Here is a scandal which is as big as the Kuo Oil deal; here is a scandal which is as big as Thal-Vaishet case. But the people concerned, in spite of the enquiry going on for the last two years, are about to get away scotfree. This scandal also shows how a powerful bureaucracy is operating in the Department of Electronics and the Minister and the Deputy Minister have just no say whatsoever. Here is the story in the Department of Electronics, of the gang of four. The main man is*

who is the Secretary of the Electronics Commission, who has been designated—it is very interesting—as the Ex-Officio Joint Secretary with special powers, with special facilities. This is the extra-Constitutional authority sitting in the Department of Electronics, who is the

infamous son of a famous father*

(Interruptions)

•Not recorded.

SHRI SHIVRAJ V. PATIL: Sir ^(Interruptions)
To say that

SHRI SURESH KALMADI: I said, famous father. There is nothing to get excited. I have not said anything. *(Interruptions)*.

SHRI SHIVRAJ V. PATIL: I am on a point of order. Sir, the rule provides that the names of the officers are not mentioned. I did not object to the hon. Member's mentioning the name of* But mentioning his father's name is not required, and I hope that he would maintain the convention.

MR. DEPUTY CHAIRMAN: The name will not be recorded. Mr. Kal-madi, you have not given notice that you are going to mention names. Names will not be recorded.

SHRI HAREKRUSHNA MALLICK [Orissa]: Sir, there is nothing wrong ... *(Interruptions)*.

MR. DEPUTY CHAIRMAN: You xlon't come to his rescue.

SHRIMATI SAROJ KHAPARDE (Maharashtra): Why should he mention it? Please sit down... *(Interruptions)*.

MR. DEPUTY CHAIRMAN: Mr. Kalmadi, you put some questions.

SHRI SURESH KALMADI: This is the first time this calling attention has come; don't throttle it.

MR. DEPUTY CHAIRMAN: First time or the last time; you make your points. This is not a discussion. This is calling attention.

SHRI SURESH KALMADI: I take this opportunity to place on the Table of the House the facts from this file, which is marked 'Secret'. I shall quote extensively from this file...*(Interruptions)*. This is the Minister's handwriting.

*Not recorded.

••Expunged as ordered by the Chair. 292 RS—7.

MR. DEPUTY CHAIRMAN: So far you have not made any point; just allegations.

SHRI SURESH KALMADI: You allow me to speak.

MR. DEPUTY CHAIRMAN: But this is calling attention; it is not a discussion.

SHRI SURESH KALMADI: People involved are* *(Interruptions)*.

MR. DEPUTY CHAIRMAN: Don't record these names. I do not; allow it. Names will not be recorded.

SHRI SURESH KALMADI: How can you not?

MR. DEPUTY CHAIRMAN: Unless you intimate the names that you are going to quote, it will not be recorded... *(Interruptions)*.

SHRI VISHVAJIT PRITHVIJIT SINGH (Maharashtra): Why doesn't he sit down? *(Interruptions)*.

SHRI SURESH KALMADI: This is a calling attention which will focus attention on the facts, and the Minister for Electronics, Mr. C. P. N. Singh had to resign, for which...*(Interruptions)*.

SHRI HANSRAJ BHARDWAJ (Maharashtra): This man representing Mr. Sharad Pawar is the most **man. *(Interruptions)*.

MR. DEPUTY CHAIRMAN: You speak on calling attention.

SHRI SURESH KALMADI: I am speaking on calling attention, Sir.

SHRI LAL K. ADVANI: On a point of order. I uphold what the Minister had said earlier and, therefore, when you gave your ruling, I also advised through Mr. Kulkarni that he should restrain his colleague. But this kind

[Shri Lai K. Advani] of reference being made to Mr. Shaxad Pawar, who is not in the House a former, Chief Minister.. (*Interruptions*).

MR. DEPUTY CHAIRMAN: No, I do not allow Mr. Bhardwaj.

SHRI A. G. KULKARNI: He and my party are never afraid whether Sharad Pawar's name is mentioned or Indira Gandhi's name is mentioned. We are game for everybody. Go ahead.

SHRI SURESH KALMADI: I would like to focus the attention on the seven crores which have been lost due to this Ferranti deal. I would like to focus the attention that because of this Ferranti deal, the production in the Bombay High has received a serious set-back and it is today a national loss. The controversial deal relating to the procurement of telemetry equipment for the ONGC as well as for the Indian Oil. Though the technical requirement of the ONGC and the Indian Oil was not the same, the DOE team led by Mr. Parthasarthy opined that the same equipment was needed for both. It is just like your going in for a Mercedes Car for the ONGC and a Mercedes Car for the Indian Oil as well where only a Fiat Car would have done, thereby losing Rs. 48 lakhs in foreign exchange, in regard to which there has been a nothing in the file by M.P.C. Alexander. The deal was negotiated despite serious objections in the initial stages by a team of experts connected with the project Titan and the recommendations of the expert panel which strongly felt that the knowhow for the equipment was available indigenously. Mr. Parthasarthy himself constituted a committee which went on many foreign jaunts before dittoing Mr. Parthasarathy's views. In the words of the Joshi Seshagiri Enquiry Committee by and large, the team lacked professional standing in the area of computers, both hardware and software; no computer or communication expert. accomDanied the team.

It is all right you brought in Ferranti because you felt that the indigenous technology has not reached that particular stage and you wanted to achieve zero technological risk. In spite of having gone in for Ferranti, still, the equipment is not working all right in the ONGC. What the Department of Electronics has done is that it has provided only screw driver technology, import of CKD parts and also lable technology. Bring them from outside and label them at the cost of the indigenous industry. The people in the indigenous industry are crying. Though there is so much of talent in the country, we are importing technology primarily due to a group of people sitting in the Department of Electronics. I would like to explain how this started.

On 1st August, 1981, Mr. C. P. N-Singh sent a note to Dr. P. B. Gupta, Secretary, Electronics. He has said therein:

"I understand there are serious objections overruling many Government policies and norms in the selection of vendors.

Secretary, Department of Electronics, may examine the case on top priority and put up full detail? and facts immediately."

But the top priority was not accorded by Dr. Gupta. He took three months to put up the file with whatever little remarks he had to make, which was attached to the Minister's statement. At this stage, Mr. Ashok Parthasarathy made a dramatic entry into the file, the tone of which was full of arrogance. He says:

"I had been the person in the DOE who has dealt with this Titan project with this from the very inception in 1977. I am not only the DOE representative on the committee for the project and also the Chairman of the technical evaluation committee set up by the steering committee and as such this fails within my purview. Nevertheless..."

He condescended—

... 'I discussed the matter with the then Secretary, Department of Electronics and secured his approval and also took the approval of the Chairman of the ONGC, the IOC and ECIL. As such, there are no papers specifically relating to the setting up of this committee."

Just oral okays have been taken. Is this the way you run the Department of Electronics? Anyway, Mr. C. P. N. Singh was made to sign the Ferranti deal under tremendous pressure on 16th April, 1982. He cleared the case. But he persisted with the enquiry and he brought in Dr. Sanjeevi Rao, who is a man from the department and who knows his department well and they both are proceeding with the enquiry. I would like to point out that the enquiry report was submitted on 27th April, 1982. Dr. Sanjeevi Rao noted in, the file that the committee's technical assessment was overruled by one individual. 'The directive of this particular gentleman led to transfer of technology from a foreign country where none was required as sufficient indigenous capability was available'. This is the nothing which he has made on the file. The file is lying here. We are placing it on the Table of the House. While upholding the findings of the Joshi's Enquiry Committee, subsequently the Deputy Minister, Shri Sanjeeva Reddy -----

AN HON. MEMBER: His name is not Shri Sanjeeva Reddy. His name is Shri Sanjeeva Rao.

SHRI SURESH KALMADI: All right. The Deputy Minister, Shri Sanjeeva Rao, noted, I have gone through the papers carefully.

श्रीमती सुरेश कलमाडी : मैं एक सवाल पूछना चाहती हूँ। क्या माननीय

सदस्य यह बताने की कृपा करेंगे कि उन्हें यह फाइल कहाँ से मिली ?

श्री सुरेश कलमाडी : श्रीर बहुत सी फाइलें आने वाली हैं। इतजार करिये।

SHRI A. G. KULKARNI: Madam, the file came from your side. You do not worry about that,

SHRIMATI SAROJ KHAPARDE: That is why I am asking from where the file came.

SHRI A. G. KULKARNI: We are parliamentarians. We do not take names. It came from your side.

SHRI VISHVAJIT PRITHVIJIT SINGH: During the Janata regime those files were used to put up false cases against our leaders. Those are the files which are being propagated.
(Interruptions)

SHRI SURESH KALMADI: While approving the report... (Interruptions)

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SHRI R. RAMAKRISHNAN (Tamil Nadu): If the file is secret, why is it that the Government is not prosecuting him?

MR. DEPUTY CHAIRMAN: I do not think he has got the original file. He has got to some other papers (Interruptions).

SHRI SURESH KALMADI: I want to place it on record.

MR. DEPUTY CHAIRMAN: Put some questions.

SHRI SURESH KALMADI: Mr. Sanjeevi Rao ...

SHRI VISHVAJIT PRITHVIJIT SINGH: If you really want to say, you should say Dr. Sanjeevi Rao. That is his name.

SHRI SURESH KALMADI: O.K., if that is the objection, I correct myself. (Interruptions). Sir, you are allowing them to talk, this is not fair. Dr. Sanjeeva Rao stated in the file. I have gone through the papers carefully several times and I uphold the

[Shri Suresh Kalmadi]

findings. This is the Minister's own remarks which they are rebutting now in the reply. Dr. Alexander, Principal Secretary to the Prime Minister, has also made a noting on the file: While examining the case it is noted that the Committee recommended a particular model of computer which may result in excess of expenditure of Rs. 48 lakhs. But the most interesting part comes now. The file then was sent by Mr C. P. N. Singh to the Prime Minister. It was there in the Prime Minister's office for a few months and then the Secretary, Mr V. S. Tripathi, made a noting on the file. (Interruptions).

SHRI SHIVRAJ V. PATIL: I again object...

SHRI SURESH KALMADI: How can there be an objection? The file was with the Prime Minister for three months.

श्री कलराज मिश्र (उत्तर प्रदेश) :
आप अपने उत्तर के दौरान अपनी बात कहियेगा। पहले उन को अपनी बात कह लेने दीजिये।

MR. DEPUTY CHAIRMAN: If He has anything, he can say.

SHRI A. G. KULKARNI: I am on- a point of order

MR. DEPUTY CHAIRMAN; I have to hear him first He is also on the same point. Yes, please. Mr. Kalmadi, please take your seat

SHRI SHIVRAJ V. PATIL: Sir, I am on a point of order and I leave it to you to take a decision on that point of order. Whatever be your decision, it will be binding on all of us. My submission is that the procedure and the convention of this House require that we do not mention the names of the officers who have an opportunity to defend themselves on the floor, and if you want to allude to any officer, you can allude to him by his Resignation and not by his name.

SHRI A. G. KULKARNI: Sir, I am on a point of order. (Interruptions).

MR. DEPUTY CHAIRMAN: One by one, I will hear you on this point of order.

SHRI A. G. KULKARNI: Sir, I am really amused, the Minister Shri Shiv. raj Patil, a good friend of mine, has raised this point of order Yesterday only, a friend from that side, Mr. Handique, mentioned the names of Shri Atai Behari Bajpayee and ten other MPs from Lok Sabha and a Member of BJP took objection to that. But I requested him for heaven's sake allow him to mention it so that we get the opportunity to re-mention. The point is, Mr. V. S. Tripathi, who has been particularly in these affairs, has been mentioned, and he was the officer....

MR. DEPUTY CHAIRMAN: The word ** will not be recorded. You cannot make this allegation.

SHRI A. G. KULKARNI: Let me submit to you, Sir, that the name of Mr. V. S. Tripathi was mentioned in this House many times in connection with the Electronics Department's files and this discussion is not a new discussion. It has been discussed and the names of Shri Ashok Partal, Lasara-thy and Shri Tripathi have all along been mentioned in this connection

SHRI MADAN BHATIA (Nominated): Sir, I feel that the point of order which has been raised by the hon. Minister is of very fundamental importance, particularly after the constitutional developments in this country. After Maneka Gandhi's case, the Supreme Court has clearly held—(1) that the reputation of an individual is a part of his personal liberty; (2) no citizen can be deprived of his personal liberty, including his reputation without a fair procedure, which includes the right of hearing.

I ** Expunged as ordered by the Chair.

SHRI U. R. KRISHNAN (Tamil Na. |

SHRI MADAN BHATIA: Excuse me, please. Earlier the Supreme Court had held in 1965 that whatever be the privileges of Parliament, they are subordinate to the fundamental rights of the citizen. No Parliament, no House of the Parliament can claim any privilege which will override the fundamental rights of any citizen. And the citizen in this country has a fundamental right to his reputation and he cannot be deprived of his reputation by the use of the floor of either House without being afforded an opportunity of being heard. Since no opportunity of being heard can be afforded to a stranger, the question of affecting or damaging the reputation by use of the floor of this House is nothing but, I respectfully submit, gross misuse of the privileges of this House.

Then I respectfully submit, the fact this position is also adumbrated in Rule 238 which says: "A member while speaking shall not—

(ii) make a personal charge against a member;...

(v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms."

And the Explanation says:—

"The words 'persons in high authority' mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Chairman, should be discussed on a substantive motion drawn in terms to be approved by him;"

I respectfully submit, Sir, that this question whether the floor of this august House can be used by any Member to damage and destroy the reputation of any stranger without giving

him an opportunity of being heard _____ (Interruptions)... You, Sir, in your wisdom, would decide so that we should know what exactly the position is... (Interruptions)...

SHRI SURESH KALMADI: Why are you covering up these people, even from the Congress (I)?

SHRI DINESH GOSWAMI (Assam); Mr. Deputy Chairman, Sir, the way you will decide the point of order that is raised will affect the efficiency of this House. My learned friend referred to Rule 238 (v) which mentions "persons in high authority". You will appreciate that "persons in high authority" under this rule only means persons against whom we cannot say anything under the Constitution without a particular process in the Constitution being followed, and a Joint Secretary or Secretary of the Government of India does not occupy the constitutional position of persons in high authority, and the rule to which my learned friend has referred has no meaning or no relevance whatsoever.

The next question is, can we name here somebody who is not a Member of this House? Now, if we interpret it too literally to say that nobody can be named, at no point of time can an effective discussion take place. The point will be whether that person, will have a right to defend either by himself or through his Minister. Now, in this case, it is not for the first time that the matter is coming up in the House. Mr. Tripathi's name was very much mentioned in a newspaper and he had occasion to defend himself outside Parliament. Now, if he has the occasion to defend himself outside Parliament first, and if the Minister has been given notice of a Calling-Attention based on the newspaper report, the Minister has a right to put the position of the official in the proper perspective in this House. Now, if we do not permit the officer's name

[Shri Dinesh Goswami]

to be mentioned and if an omnibus rule is made that at no point of time it shall be mentioned what will happen? Only this morning we mentioned about Birla, we mentioned about Tata, we mentioned about M. G Ramachandran, we mentioned about Rajesh Khanna and others. But we are going to say that no names can be mentioned? In that case, the efficiency will be totally lost. The point is whether the Minister has sufficient information or notice or not so that he will be able to place relevant facts to defend the officer, if necessary. And my learned friend, I hope will not take up the position that after he has got the Calling-Attention notice he doesn't have sufficient facts at his disposal to speak either in favour or against Mr. Tripathi.

Sir, I feel that this technical point of order has no relevance whatsoever.

(Interruptions)

SHRI LAL K ADVANI Mr. Deputy Chairman, Sir, so far as the arguments given by Mr. Bhatia are concerned, they are fully taken care of by Mr. Dinesh Goswami. But the Minister himself raised a very limited point and that was that we do not name the officer but just describe his designation. That is all. His point was no more. All that I would like to point out is that in his regard it is the convention of the Houses that should matter. He may be aware that in the House of Commons, even the names of Members are not taken and it is, just said, hon. Member from such and such constituency, or the Right Honourable Minister for such and such a thing. So, it is a question of practice, and in this regard it is only because Mr. V. S. Tripathi has been named, that this objection has been raised. Earlier he specifically said, 'I have no objection to Mr. Ashok Parthasarathi's name being raised but his father should not be named'. He was perfectly correct. But in this particular case he says that Mr. V. S. Tripathi should not be named and he should be described I

as Additional Secretary to the Prime Minister... *(Interruptions)* My submission is that the practice in this regard in this House has been, very clear, and that should continue.

SHRI MADAN BHATIA: Sir, just one minute.

MR. CHAIRMAN: No. Dr. Zakaria.

DR. RAFIQ ZAKARIA (Maharashtra): Mr. Deputy Chairman, I agree with Mr. Advani that the point raised by the Minister was really of a limited nature. But I would like to ask Mr. Advani and other leaders on the other side whether the Official Secrets Act which we have enacted should be allowed to be made a mockery of *(Interruptions)*. I have made a point "which may kindly be considered. After all, as you know, in the parliamentary system of government, which we have adopted, there is a certain method of functioning of the government. There are permanent civil servants who are to be protected; and there are the representatives of the people who are elected and who form the government. They are accountable to Parliament, and through them also the actions and deeds of civil servants indirectly can come into question before either of the Houses. But here what has pained me is that my friend Mr. Kalmadi has gone on reading from the notes that had been made by various officers, and disclosing them in a manner which opens out a flood gate of...

SHRI SURESH KALMADI: Of corruption. *(Interruptions)*.

DR. RAFIQ ZAKARIA: ...all kinds of mischief. I am not at all saying...

SHRI LAL K. ADVANI: This is a new point.

SHRI SURESH KALMADI: This is no point of order.

DR. RAFIQ ZAKARIA: It is very relevant because if the officers who have to give their - Honest opinion, whether their opinion is accepted or not, whether their assessment leads to a particular decision and conclusion or not, if they have not *

freely express themselves and if they have to be all the time under the fear that some disgruntled gentleman some day or the other will adversely quote their notings, I think the functioning of the Government will be impossible. Therefore, I am supporting the point of order that has been made by the Minister. What I think, we should attack is the decision taken. What we should attack is the motivation behind it, and not pinpoint particular officers, what A said, what B said, what C said, because all of them, I think, need our protection; and, unless we do that, the healthy kind of relationship that must prevail between us and the Civil Service will be destroyed. Therefore, I think, you should give a ruling on this. Even if we can make a reference to no law, since all this violates the Official Secrets Act, in our own interest, we should not make any mention of them.

SHRI ERA SEZHIYAN (Tamil Nadu): Mr. Deputy Chairman, Sir, a new point of order has been raised.

श्री लाल कृष्ण आडवाणी : श्रीमान् आप इस पर निर्णय लें, मैं तो प्रेस के हिसाब से और पार्लियामेंट के हिसाब से कह रहा हूँ कि यह पता लगाया जाये कि हमारे अधिकार कितने हैं . . . (व्यवधान) यह तो गवर्नमेंट का दोष है अगर वह सीक्रेट को सीक्रेट नहीं रख सकी।

SHRI ERA SEZHIYAN; Sir, there are two points of order.

SHRI MADAN BHATIA; Sir, . . .

MR, DEPUTY CHAIRMAN: Mr. Bhatia, you have spoken once.

SHRI ERA SEZHIYAN; Actually there are two points of order. The one raised by the hon. Minister was whether the name of the officer should be mentioned when we are having a discussion. That is yet to be settled by you.

AN HON. MEMBER: There is another point of order.

SHRI ERA SEZHIYAN: That was the first point of order. The second point raised. . .

MR. DEPUTY CHAIRMAN. One point of order is having two points.

SHRI ERA SEZHIYAN: There you are wrong. It is not in two parts. There are two points of order.

SHRI LAL K. ADVANI: This is the Deputy Leader's innovation. It is a new point of order. (*Interruptions*)

SHRI ERA SEZHIYAN; The question raised was whether the notes written by officers can be quoted in the House. He said that the notes written by officers should not be quoted, otherwise, the Government will not be able to function. You have to give your ruling on two different aspects. It is not that they are parts of the same question. They are two different ones.

First of all, one of the hon. Members was quoting rule 238. If you see rule 238, it does not give any substance to his conclusion. As rightly pointed by Mr. Dinesh Goswami. The House can discuss the conduct of all persons excepting the conduct of persons of high offices which have been mentioned in the Constitution like the President, the Chief Justice, which cannot be discussed without a substantive motion. Even that we can discuss on a substantive motion. Otherwise, we are precluded. If you read rule 238, it says:

"238. Rules to be observed while speaking member while speaking shall not—

(i) refer to any matter of fact on which a judicial decision is pending;"

There is nothing of a judicial nature pending in this case.

"(ii) make a personal charge against a member;

"(iii) use offensive expressions about the conduct or proceedings of the Houses or any State Legislature;"

They are not involved here.

[Shri Era SezhiyanJ

"(iv) reflect on any determination of the Council except on a motion for rescinding it;"

That is also not involved. Therefore, this is all flat.

Second thing. I would like to say that I can quote many reports of the Committees of this Parliament. I can give instances after instance, wherein: the names of the individual officers have been mentioned a number of times like Mr. A. C. Mukherji and others.

SHRI LAL K. ADVANI: Correspondence exchanged between the Prime Minister and Home Minister has been quoted in this House by the Opposition. It has happened in the past.

SHRI ERA SEZHIYAN: There is nothing wrong. But the only thing I request is that whenever we discuss, let us not make a reference to that personal, life about the personal conduct, of any official. Regarding the official conduct, we are entitled, the country is entitled and the House is entitled to make comments. The House is fully competent. And it has a responsibility to go into the public conduct of any official. To this House they are responsible. We can make comments.

About the second aspect, of course, I need not go into that. In a number of cases, some documents of confidential nature have been placed on the Table of the House and discussions have taken place. Therefore there is nothing to prevent it.

DR. RAFIQ ZAKARIA: I am talking about the nothing by one officer after another. This is a different thing.

SHRI ERA SEZHIYAN: The entire files have been placed on the Table.

SHRI R. RAMAKRISHNAN: You take a practical view. Mr. Kalmadi is expressing an important view. Do not go into technicality, (Intrusions). There is a point of order and there is another point of order on

that. But here Mr. Kalmadi is going to expose an important happening.

SHRI A. G. KULKARNI: Madam Alva, when she mentioned about Mr. C. P. N. Singh, was quoting from, some file. How Madam Alva got that file, I want to know.

श्री कलराज मिश्र : मैंने प्वाइंट आफ आर्डर के लिये कई बार हाथ उठाया ।

श्री उपसभापति : आप क्यों घबरा रहे हैं । आपकी तरफ से कई आदमी बोल चुके हैं ।

श्री कलराज मिश्र : मैंने पहले हाथ उठाया था ।

श्री उपसभापति : मैं उनका प्वाइंट आफ आर्डर सुन रहा हूँ ।

श्री कलराज मिश्र : मैं बार-बार हाथ उठा रहा हूँ, मुझे भी तो आप बोलने का अवसर दीजिये ।

SHRI HANSRAJ BHARDWAJ: May I draw your kind attention to rule-238 A?

श्री कलराज मिश्र : मुझे तो अवसर दीजिये । मैं प्रारम्भ से ही हाथ उठा रहा हूँ मेरा व्यवस्था का सवाल है ।

श्री उपसभापति : पहले यह व्यवस्था खत्म हो जानी चाहिये, फिर दूसरी व्यवस्था पैदा कीजिये ।

MR. DEPUTY CHAIRMAN: Unless I dispose of one point of order, I cannot taken up another.

SHRI HANSRAJ BHARDWAJ: It says:

"238A. Procedure regarding allegations against members.—No allegation of a defamatory or incriminatory nature shall be made by a Member against any other member or a member of the House unless the member making the allegation

has given previous intimation to the Chairman and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Chairman may at any time prohibit any member from making any such allegation if he is of opinion that such allegations derogatory to the dignity of the Council or that no public interest is served by making such allegation."

Sir, the spirit of this rule is that nobody should be caught unawares. Now the question is whether intimation about these allegations was given to the hon. Chairman and whether the permission of the hon. Chairman was taken. (*Interruptions*). There is no need of shouting.

MR. DEPUTY CHAIRMAN: Shri Mishra.

श्री कलराज मिश्र : उपसभापति जी, मैं केवल एक ही वाक्य में अपनी बात कहना चाहूंगा. व्यवस्था के प्रश्न पर और वह यह है कि जिस विषय से सम्बन्धित इन्होंने ध्यानाकर्षण प्रस्ताव दिया है उस विषय के अन्दर जिस विभागीय अधिकारी का नाम लिया जा रहा है वह समाचार-पत्रों के माध्यम से विख्यात रहा है और उसकी नोटिंग के सम्बन्ध में वह अपनी बात रख रहे हैं। मैं समझता हूँ कहीं भी इसमें किसी भी प्रकार के नियम का उल्लंघन नहीं हो रहा है और इसलिये मैं व्यवस्था यह उठाना चाहता हूँ कि अगर उन्होंने उस अधिकारी की नोटिंग को पढ़ते हुए उसका नाम लिया तो उसमें कोई गलत बात नहीं है। कृपया आप उनको बोलने का अवसर दीजिये ताकि वे ध्यानाकर्षण प्रस्ताव पर अपनी बात रखें।

MR. DEPUTY CHAIRMAN: Mr. Morarka.

SHRI R. R. MORARKA (Rajas-than): Sir, about the point raised by

Mr. Zakaria, I only want to draw your attention to the fact that there has been a clear ruling in the Lok Sabha given in the case of Feroze Gandhi by late lamented Speaker, Ayyangar. Feroze Gandhi was quoting from some secret file and a similar challenge was made. And the ruling given at that time was that a Member of Parliament is entitled to bring documents from anywhere, any secret document, even by stealing it, and quote it on the floor of the House.

SHRI SURESH KALMADI: I did not steal it.

DR. RAFIQ ZAKARIA: If what Mr. Morarka has said is right, I certainly stand corrected. I don't think the Speaker said "even if it is stolen". Then no conduct of any kind would ever govern the proceedings in any of the Houses.

MR. DEPUTY CHAIRMAN: We are not going to be influenced by that. Now I think the rules quoted by some of the hon. Members do not exactly apply to the present situation. Then so far as quoting from the files is concerned, I think this can be done. It is always done. There is no problem. But so far as taking the names of the officers is concerned, I think officers who are necessary to be quoted should only be quoted and no imputation should be made against them. (*Interruptions*) All right, Mr. Kalmadi, please go on.

SHRI SURESH KALMADI: The honourable V. S. Tripathi—is it all right?

MR. DEPUTY CHAIRMAN: Mr. Kalmadi, please put some questions. Don't go into all these things.

SHRI SURESH KALMADI: I only want five minutes.

MR. DEPUTY CHAIRMAN: Otherwise unnecessarily it will create problems.

SHRI R. RAMAKRISHNAN: No historicities; only points.

SHRI SURESH KALMADI: Hon ourable Mr. V. S. Tripathi did not put it up to the Prime Minister but sent it back on September 25, after keeping it with him for three months. And what is the noting he made? 'The matter must be enquired into by the Deputy Minister'. The Deputy Minister has already made a noting on the file that he has gone through this many times and he holds these people guilty. Why is it being sent back to the Deputy Minister? That is my question. And who is this person to send it back? It should have gone to the Prime Minister. It raises many vital questions. How many decisions come back in this manner not only in electronics but in other fields also, I would like to know.

Finally, Mr. C.P.N. Singh sent back the file to the Prime Minister's office. But till 2nd February, there was no news. AH these powerful people in the Department of Electronics managed to ease out Mr. C. P. N. Singh. On the 3rd he was no more a Minister. If the present Ministers—I have high regard for Mr. Shivraj Patil who is from my State and the Deputy Minister who is very knowledgeable—feel that they can counter this clique, they are sadly mistaken. Their fate will be the same. They will also be removed the next day.

MR, DEPUTY CHAIRMAN; I think you are not putting any question. You are making a political speech.

SHRI SURESH KALMADI: It is not a political speech. As far as Mr. Parthasarathy is concerned, what is happening to him? He is being confirmed as a Joint Secretary. He is being given a reward. This is the situation which is going on. They are a gang of four and the gang is going scotfree. And this is how you are running the country. I want to make a comparison of two great leaders. One is Akbar the great and the other I Shrimati Indira Gandhi. Akbar had nine jewels and Shrimati Gandhi has this gang of four and other corrupt people. (*Interruptions*) So I come to Question. What I have brought out is

just a tip of the iceberg. I now come back to the Defence Project Cell which involves Rs. 72 crores of misappropriation by the same people. Then I come to the FTTDC the chairman of which, Mr. Sanyal, has been thrown out. He is no more the Managing Director and Chairman. He was supposed to resign. He was told that the file was... (*Interruption*) There is also the Orient Vision Limited which is a company Vijay Amrit Raj's father, and that company was given Rs. 1 crore and 16 lakhs by the Department of Electronics and that is why this gentleman has been thrown out. Anyway, I come to my specific questions; I shall not embarrass the honourable Minister any more. Does the Government confirm or deny all that has been brought out in the file? What is the fate of that inquiry? (*Interruption*) Has Ashok Parthasarthy been suspended? Are the telemetry equipment purchased by the ONGC for the drill trouble-free? I want a specific answer. I want to know whether the right electronic equipment was purchased for IOC or the requirement was different and foreign exchange to the tune of Rs. 50 lakhs could have been saved. My last and most important question is: What steps are you taking to protect the local, indigenous electronic industry?

SHRI SHIVRAJ V. PATIL: Mr. Deputy Chairman, it is 1 o'clock now. His question started at 12 o'clock. May I have your permission to reply to all the points which have been raised by the honourable Member in the course of his speech in the House as well as the specific questions which he has put?...

SHRI SURESH KALMADI: Now you want a break?

MR. DEPUTY CHAIRMAN: You don't want to hear the Minister. Why do you stand up and disturb?

SHRI SHIVRAJ V. PATIL: This is a vrey peculiar case and you will pardon me when I say that the case has come before this House, it has been publicised in the newspapers and

[Shri Shivraj V. Patil]

you yourself had the opportunity of saying that the questions were put from the papers. The first question which I leave to you is whether this is a matter of urgent public importance. The answer given is 'no'. I leave it to you. I will not dwell upon it.

SHRI LAL K. ADVANI: It is the Secretariat which selects. *(Interruption)*.

MR. DEPUTY CHAIRMAN: Mr. Minister, if you are going to take a long time, you can reply after the lunch.

SHRI SHIVRAJ V. PATIL: In this question so many points have been raised and if they remain unanswered, there is a likelihood of some misapprehension being there...

MR. DEPUTY CHAIRMAN: All right, you can reply after lunch.

SHRI A. G. KULKARNI: Mr. Minister, you want more time to get information from the office?

1 P. M.

MESSAGE FROM THE LOK SABHA

The Finance Bill, 1983

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary of the Lok Sabha:

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Finance Bill, 1983, as passed by Lok Sabha at its sitting held on the 2nd May, 1983.

The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Sir, I lay a copy of the Bill on the Table.

RE. CHANGE IN THE ORDER OF ITEMS PRINTED IN THE REVISED LIST OF BUSINESS FOR THE DAY

MR. DEPUTY CHAIRMAN: There is one slight amendment in today's Agenda. Half-hour discussion will be taken up after the Special Mention and before we take up discussion on the working of the Ministry of Rural Development. I would, therefore, request the hon. Members and the Ministers concerned to take note of this and be present in the House accordingly.

SHRI ERA SEZHIYAN (Tamil Nadu): At what time?

MR. DEPUTY CHAIRMAN: The Minister is not free to come and we want to finish the Half-an-hour discussion earlier. The discussion on the working of the Ministry will be taken up thereafter.

SHRI LAL K. ADVANI (Madhya Pradesh): Unless there is broad consensus among the persons concerned, how can this be done?

MR. DEPUTY CHAIRMAN: That has been agreed to by the Member and the Ministers concerned.

सदन की कार्यवाही दो बजे तक के लिए स्थगित की जाती है।

The House then adjourned for lunch at two minutes past one of the clock.

The House reassembled after lunch at three minutes past two of the clock.

Mr. Deputy Chairman in the Chair.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

Report submitted by the Joshi Enquiry Committee on the Ferranti deal concerning procurement of Telemetry system for Oil and Natural Gas Commission and Indian Oil Corporation—Contd.

SHRI SHIVRAJ V. PATIL: Sir, I shall have to give information about the ONGC, IOC and ECIL and about