

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

Reported persecution of a Manager of the Bharat Heavy Electricals Ltd. on the alleged charges of giving information to Members of Parliament in connection with the proposed BHEL-Siemens Agreement

SHRI G. C. BHATTACHARYA (Uttar Pradesh): Sir, I beg to call the attention of the Minister of Industry to the reported persecution of a Manager of the Bharat Heavy Electricals Limited on the alleged charges of giving information to Members of Parliament in connection with the proposed BHEL-Siemens Agreement.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): Sir, in November, 1979, the Central Bureau of Investigation (CBI) submitted a Report to the Government in which they held that there was a *prima facie* case against Shri K. Vijayachandran, former Manager in the Corporate Office of Bharat Heavy Electricals Limited (BHEL), New Delhi passing unauthorisedly certain information in 1977 and 1978 to the prejudicial interest of the Company to outsiders. The Report of the C.B.I. was considered in consultation with Central Vigilance Commission (CVC) who advised that the disciplinary proceedings should be initiated against Shri K. Vijayachandran under the BHEL Conduct, Discipline and Appeal Rules, 1975. BHEL management accepted this advice and served a charge-sheet on Shri K. Vijayachandran on the 31st December, 1979. The disciplinary authority also appointed an Inquiry Officer on the advice of the CVC to conduct the inquiry. The Inquiry Officer is the Commissioner for Departmental Inquiries in the Office of the Commission.

This is an individual case of proceedings against an officer of the BHEL on the basis of the charge of

misconduct prepared after due investigation by an agency of the Government of India and on the recommendations of CVC. The inquiry was instituted according to the prescribed procedure. There is, therefore, no question of any persecution against any individual.

The present position is that on a reference, the Ministry of Law have advised, and the CVC commenting on the advice, have suggested that on Shri Vijayachandran ceasing to be an employee of BHEL the disciplinary proceedings against him would abate. The CVC have also mentioned that there was a *prima facie* case against Shri Vijayachandran involving grave misconduct which should be taken into account while considering release of gratuity to Shri Vijayachandran as payment of gratuity should depend on satisfactory performance of service. The BHEL have been advised to take action accordingly.

SHRI G. C. BHATTACHARYA: Mr. Chairman, Sir, country's progress is known by the quantum of steel and power it produces. After Independence, under the stewardship of Pandit Jawaharlal Nehru, the country tried to build the infrastructure for industrial progress in this country and in this process BHEL came into existence. As Pandit Nehru used to say, these public sector undertakings, particularly, BHEL and other steel plants, are modern temples. As you know Sir, so far as BHEL is concerned, there was a total sell-out during the last regime. The cement agreement was condemned by not less a person than the present Prime Minister, Shrimati Indira Gandhi and the Leader of the House, Mr. Pranab Mukherjee, when the matter was raised in this House. Now, it is very regrettable that the Ministry of Industries and my friend Mr. Chanana came out with such an answer in response to this Calling Attention which clearly smacks of the undercurrents of influence of the previous

Government and the officials who are favouring the sell-out of this important public sector industry.

Sir, this is a very serious matter. It is not an individual case. He has said that there will be no inquiry according to the Law Minister's opinion. But we want an inquiry. We want an inquiry not by the Vigilance Commission, but by a committee of this House. In this inquiry, it will certainly be found that a certain leader who professes to be a socialist and certain high officials including Mr. Krishnamurti will be found guilty of selling this country's interests. They consider themselves to be patriots. One of the patriot is a Member of Parliament who is scuttling it and not allowing it to be raised in the Parliament. When Mr. Ramamurti spoke about the BHEL agreement at that time, the then Industries Minister, Mr. George Fernandes could not meet any of the points raised by him. What is the position? Is he a patriot, who has helped a Member of Parliament to raise the issue in the Parliament so that the entire country should know how the country's interests were sold out to multi-nationals, Siemens? Sir, when certain concessions were given to the East India Company by the rulers of this country at that time, this country was subjugated for 150 years. If Siemens and other multi-nationals are given this much of red-carpet treatment and our public sector industries are handed over to them, it is dangerous. As I said previously, one arm of the pillar of country's progress was being sold away to Siemens. After the statement of Shrimati Gandhi and Mr. Pranab Mukherjee, Leader of this House, I understand that they are adopting this attitude that there will be no inquiry. Why? After all, who is wrong? If Mr. Krishnamurti and Mr. George Fernandes are found to be guilty of selling the country's interests, let the entire country know about this deal which is known as BHEL-Siemens Deal. Why is this

Government trying to shield certain people? I want to know from the Industries Minister what will be the effect of this action of the Government. No patriotic officer, no patriotic employee, no patriotic citizen of this country will ever help any Member of the Parliament to scuttle any treacherous action on the part of a very high-up or officer. So, Sir, this will create a very bad precedent. And I would appeal, through you, Sir, and the entire House, to the hon. Industries Minister to constitute a Committee of this House to go into the entire matter so that the whole thing comes to light and the guilty persons are punished.

[Mr. Deputy Chairman in the Chair]

Sir, I will now come to my last remark. Sir, our friend, Shri Ramamurti has established Mr. Krishnamurthy as responsible. He is still in service. And unseen hands are quite visible in the answer given by Mr. Chairman. I want immediate suspension of Mr. Krishnamurthy and his helper is still prospering in the BHEL Management. This will be the least thing which the present Government should do, if they want to give credibility to the outside people—as Mrs. Indira Gandhi and Mr. Pranab Mukherjee said that the BHEL-Siemens deal was a total sell-out—so that we may not look incredible that whatever we say in the Opposition we would do just the contrary when we come to power.

THE MINISTER OF FINANCE AND INDUSTRY (SHRI R. VENKATARAMAN): Mr. Deputy Chairman, Sir, at the outset, I would like to mention that any reference to any officer is not consonant with the parliamentary propriety.

SHRI G. C. BHATTACHARYA: Why? Under what rule?

MR. DEPUTY CHAIRMAN: Order please.

SHRI G. C. BHATTACHARYA: I want to know, under what Rule, I cannot refer to a person who is guilty

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of treachery, who wants to sell-out the country...

MR. DEPUTY CHAIRMAN: You have said that already.

SHRI G. C. BHATTACHARYA: I want your ruling. Under what rule, I cannot refer to an officer?

MR. DEPUTY CHAIRMAN: At least listen to the Minister. (*Interruptions*) This is not the way, please.

SHRI R. VENKATARAMAN: Sir, the Ministry is responsible to the House. And if there is any lapse, it is the Ministry which is accountable to the House. The Constitutional responsibility is with the Minister, and if anything wrong is done I should go and not an officer specifically mentioned unless some charges are framed against him.

SHRI G. C. BHATTACHARYA: I have brought a clear-cut charge.

MR. DEPUTY CHAIRMAN: Order, please.

SHRI R. VENKATARAMAN: Sir, I would first of all seek your protection against saying about officers specifically... (*Interruptions*) Sir, it is a well-known rule that hundred people can hear one man speak but one man cannot hear when hundred people speak. If both of us speak at the same time, it will be very difficult for anyone to understand what we are speaking.

SHRI G. C. BHATTACHARYA: He should be ashamed of what he has said here.

SHRI R. VENKATARAMAN: I repeat again. There is a Constitutional responsibility and if anything wrong is done, it is the responsibility of the Ministry and, therefore, it is not a parliamentary practice to refer to

anyone individual officer unless, as you know, in proceedings where a person is charged for certain other acts.

Sir, the second point that I would like to mention is that my hon. friend has not understood the purport of the answer I had given. The answer is that on the advice of the Central Bureau of Investigation and on the advice of the Central Vigilance Commission, a charge-sheet was given to the particular officer concerned. Then we examined this by referring it to the Ministry of Law because the officer concerned made a representation that he has resigned and after the resignation no proceedings could go on against him. Now the Ministry of Law, gave its advice that the proceedings against the officer will abate after he has resigned.

Then we referred the matter to the Central Vigilance Commission and they endorsed this opinion of the Law Ministry. Therefore, we have advised the BHEL that there proceedings against him will abate. The Central Vigilance Commission has also stated that in its opinion the officer is guilty of having disclosed confidential matter to outsiders and it said that in respect of this matter the BHEL may take such action as it thinks necessary by way of its treatment of gratuity and other benefits which are open to a retiring or resigning officer. Well, at that, I said that it is not decided upon and that will be examined. The other proceedings against him will abate. Therefore, I do not see what impropriety has been done in this matter.

SHRI G. C. BHATTACHARYA: Because Shrimati Gandhi and Shri Pranab Mukherjee have said that this deal was a sell-out, why should you agree with the Law Minister? Why did you not go to the Cabinet because the Prime Minister is presiding over Cabinet meeting? Shrimati Gandhi is the Prime Minister today and she condemned it. There should

be an inquiry. Was it necessary for your Ministry to agree with the Law Ministry's advice? Why did you not go to the Cabinet? Is it the decision of the Cabinet?

SHRI R. VENKATARAMAN: Sir, if a Minister were to agree with every suggestion that is made by every Member, he will end up as the old man is the story 'Old man and the son and the ass' and he will have to carry the ass. That will be the effect. Now, every person's views cannot be immediately accepted and acted upon. The Government have a procedure and the procedure is that whenever they are in doubt, they refer it to the Law Ministry and the Law Ministry's views are accepted. If they want to have any different opinion about it, they can consider it in the Cabinet. But they cannot say that the Law Ministry's opinion will not be accepted or cannot be accepted.

SHRI G. C. BHATTACHARYA: You will not accept... (Interruptions)

MR. DEPUTY CHAIRMAN: Order please. Order please.

SHRI R. VENKATARAMAN: Now, Sir, as regards the second point made by the hon. Member, namely, that this Siemens-BHEL agreement is a sell-out, I wish to assure this House that no agreement has been concluded between the BHEL and the Siemens at all. There is only a discussion, a proposal, which is being examined by the Government. The stage at which it now stands is that this proposal has been examined by the FIB, the Foreign Investments Board, and the Cabinet has not taken any decision. No agreement has been entered into. The matter is before the Government. The Government will take an appropriate decision. But even before that if hon. Members say that there has been a sell-out, then they are putting the cart before the horse.

SHRI G. C. BHATTACHARYA: Why don't you see the Prime Minister, Shrimati Gandhi's statement in the Lok Sabha in reply to that Privilege Motion? If she says that this was a sell-out, how do you deny it? You are her Minister.

SHRI P. RAMAMURTI (Tamil Nadu): Sir, the Government has conveniently taken a decision that on a technical ground they have decided to see that the proceedings abate, because he is no longer-in service. But even without an inquiry they will take a decision with regard to—they will decide because the CBI has decided that there is a *prima facie* case even without giving an opportunity to Shri Vijayachandran what is to be done to his provident fund and other retirement benefits. This is the present position. This is even worse than the earlier position. Far more important principles are involved in this matter. I will just read out to you some important relevant portions of the chargesheet. These are shocking. The chargesheet says that "Shri P. Ramamurti, a Member of Parliament, published a book entitled or captioned 'Stop BHEL's dangerous truck with Siemens' in November 1978. The author had given critical views about the functioning of the BHEL which are prejudicial, detrimental and embarrassing to the interests of the organisation, BHEL." This is the beginning of the whole thing, that is, this gentleman is supposed to have given information. The document—or the argument—says:

"While functioning in these capacities, Mr. Vijayachandran had sufficient access to those documents..." etc.

So, it says that he had sufficient access to it, and, therefore, this document says:

"It is believed that he has given that information." This is the chargesheet that it is believed that he has given

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that information. Based on that, the first question that I want to raise is: What are the documents? Why was the C.B.I. put in charge of investigation? BHEL is a company registered under the Indian Companies Act. Here in this Parliament we raise the question of misdeeds done by the public sector undertakings' officers; we raise questions of misdeeds done by the Government itself and the Members of Parliament do go by the information got from somebody or the other in these organisations. Without getting this information, Parliament cannot function and the misdeeds of these officers cannot be brought to light and to the notice of public. I am not saying that this man gave me the information. As a matter of fact, I have made it clear in my book that I got the information from a number of people, not only from this man. Mr. Venkataraman may laugh at it.

SHRI R. VENKATARAMAN: I do not laugh; I smile.

SHRI P. RAMAMURTI: You may smile. I got information from a number of people. In fact, I have said so. But here the document says that because he was acting as a Special Assistant to somebody, he was in a position to pass on these documents, and therefore it is believed that he has passed on these documents.

Now, what is the charge? The charge is that these things are prejudicial to the interests of BHEL; these are prejudicial, detrimental and embarrassing to the interests of the organisation, BHEL. Now, Sir, the document relates to the proposed agreement with regard to BHEL. I want to know one thing. Why should the publication of my book be embarrassing to the BHEL? Because the criticisms are right, the revelations are embarrassing to the BHEL? If they are above board, why should they feel embarrassed about it? On the other hand, if they have done a wonderful job if the documents that have been published show that they have done a good job, they

must be extremely happy about it. Why should they feel embarrassed at all? Why should it be prejudicial to the interests of BHEL at all? Why should it cause any embarrassment and detriment to BHEL at all? Here is a document on the basis of which, and after writing that booklet, the matter was raised in Parliament. It went before the Public Undertakings Committee. The Public Undertakings Committee unanimously held that that agreement was not in the interests of the country. That is the clear verdict given by the Public Undertakings Committee. The Committee elected by both Houses of Parliament—that is, the Public Undertakings Committee—held that this agreement was not in the interests of the country. That is the first point.

Secondly, Sir, as a result of the persistent debates that took place in this House and as a result of the big controversy that took place in the whole country, all the economic journals and technical journals, barring one, have condemned that agreement, as a result of that, the previous Government was compelled not to go by the normal procedure of sanctioning the agreement as soon as the F.I.B. cleared it, but the Cabinet had to sit over that and the Cabinet then referred it to a special committee of Secretaries. And that special committee included no less a person than Dr. Raja Ramanna and that Committee also has said that this agreement is not in the interests of the country. All these doings of the BHEL have been exposed by me as a result of the information that I got. This is the fundamental question. Now, why should the BHEL feel embarrassed about it? Are we concerned with the interests of somebody or are we concerned with the interests of the country? Sir, the country's interest is uppermost. Therefore, can you take action against a person for passing on this information? Are we concerned with the embarrassing position of the BHEL Management? Are we concerned with the interests of the BHEL Management? Are we concerned with

the interests of Mr. V. Krishnamurthi? Or, are we concerned with the interests of the country? This is the major question I would like to raise here. What are the other documents they have referred to? What are the wonderful and secret documents they have referred to? The documents they have referred to are these. One is the proposed agreement. This is one document. Is it a secret document? Is not Parliament entitled to know about it? What is the secrecy about it? Hence, Parliament is entitled to know about it. The people are entitled to know about it. This is not a secret affair. They cannot do things secretly. The second is the internal audit report which exposes how contracts have been given in Libyan Project. The local rate for earthwork contract is 2.1 Libyan dollars per cubic metres. They have given the contract at 8.8 Libyan dollars. The local rate for cement is 12 Libyan dollars. They have given the contract at 44 Libyan dollars. All these things have been said in the internal audit report. Now, are we not entitled to know that some corruption is involved in it? If this corruption is exposed, instead of the CBI being asked to enquire into this corruption and to find out how these contracts have been given, was it necessary for the Government or the BHEL organisation or the Industry Ministry to ask the CBI to enquire into how exactly this information has been leaked out? This information of the corruption, this information in regard to the contracts, which they themselves have pointed out, had entailed the BHEL into a loss of Rs. 30—40 crores in a contract of Rs. 92 crores. I charge them today that this has entailed the BHEL into a loss of Rs. 30—40 crores. When this is the position, instead of the CBI being asked to enquire into the matter as to how exactly this thing had happened, the CBI is now being asked to enquire into as to who has leaked all these misdeeds of the BHEL management. Is it the function of the CBI? The CBI's charter is that they will enquire into

economic crimes; they will enquire into corruption charges. This is the main purpose for which the CBI has been created. When charges of corruption and misdeeds by the management have been revealed by the documents that have been published, the CBI is now being asked to enquire into as to who leaked this information. Is this the way for any organisation to function? Is this the way for any Ministry to function? This Ministry does not know it. I am not blaming them. But somebody else did it. Should they hold themselves responsible for it? I would like to point out that I know, as a matter of fact, the CBI was very reluctant to hold this enquiry. The CBI said 'This is not within our purview'. But the CBI ultimately agreed to make the enquiry into this under pressure from the Ministry of Industry. The CBI itself has stated that this was not their job. They said 'our job is to enquire into economic crimes; leakage of information by a public sector undertaking is not our job'. Despite that, this enquiry has been conducted. The CBI has been involved in this. Why should the CBI be involved in this? What are these documents?

The main charge is you have acted against the interests of the BHEL management by revealing these documents. This is the charge. This is the main charge. I am reading from the conclusion part of it. Then, they say that it is believed that he has given some sensitive information regarding the co-operation of SIEMENS in regard to nuclear technology. Now, I had stated in my book that Mr. V. Krishnamurthy has been going about and his friends are going about saying that there is a secret understanding and this understanding is that the SIEMENS will also give the nuclear technology and this think will not be known to anybody. Now, he has been charged with this. Here, I would like to make it clear—I have got the documents—that Mr. Krishnamurthi himself was canvassing newspapermen and asking them to write

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in favour of this agreement. One of the top newspapers of this country, its man was called by him and V. Krishnamurthi was talking to them. They sent it to the top editorial board, a high up in the editorial of that paper, I do not want to name the paper . . .

SHRI BHUPESH GUPTA (West Bengal): Why don't you name the paper?

SHRI P. RAMAMURTI: Wait, wait; when the occasion comes, I will name it. Now I have got the note sent by that person. Following is the summary of the points made by Shri V. Krishnamurthy during the extensive interview with so and so—I do not want to give the name of the correspondent. And what is that? All this was a justification of that agreement. V. Krishnamurthy himself was canvassing and asking the paper to write in favour of the Agreement and what is the final thing? In that not? The final thing in the note is a "note not to be disclosed top secret", KWU is sharing nuclear technology. No other company is either prepared to do so or has the necessary expertise. Even Bonn Government does not know it. Only Sethna and Krishnamurthy are aware of this part of the collaboration deal. I am prepared to prove this. The Minister said if specific charges were brought out... The man who leaked out the information is Mr. Krishnamurthy himself and Mr. Krishnamurthy tries to charge somebody else that he has leaked out this information. If it comes to the question of proof, a top editorial member of the national newspaper is prepared, I am prepared to produce him and he will give evidence about this, from which source he got it. This man Krishnamurthy has been doing his best to see that this agreement is somehow or other pushed through. He carries all this information and today it is stated that this gentleman passed on some secret information. (*Interrup-*

tions). I am not talking of silly things. I am talking of relevant things. The question, therefore, is why should the CBI be in charge of this? The CBI is not intended for this. Then one of the documents referred to in the change sheet relates to the achievements of the BHEL in R&D. Now it is stated that these are secret documents. The achievements of the BHEL engineers in R&D, is listing out all those achievements, are supposed to be prejudicial to the interests of the BHEL. The other document that is referred to, is a note by Shri B. Krishnamurthy, sent to the Ministry of Industry or somebody else I do not know to whom it is addressed. Why should he feel embarrassed about it? Why should he feel guilty about it? After all, the documents only point out that the earlier Ministry of Industry as well as the Energy and Fuel Commission, both had come to the conclusion that the BHEL itself is capable of developing certain things but this gentleman in that letter says that they cannot do that. This is what it says. How does it become a secret thing? Is it, because the publication of these documents show how systematically research and development was being scuttled in this organisation, since V. Krishnamurthy became its Chairman-cum-Managing Director? Even though a high-powered Commission like the Fuel and Power Commission of Government of India, consisting of great experts who have gone into the whole question and said, well the BHEL engineers and technologists are capable of developing our own R&D with regard to these things and this man comes and writes a note that they are not capable of doing that. Then it becomes a sensitive document, it becomes a secret document. The whole idea is to harass and terrorise the engineers of BHEL. Why did this note leak out? The leakage of this note has made it possible for Mr. P. Ramamurti to write this book. Secondly, it has made possible for Mr. P. Ramamurti

to refer the matter to the public Undertaking Committee. By these persistent efforts, it had been referred to the Special Secretaries Committee. The Special Secretaries Committee has held that it is not in the interest of the country. Now the matter stands there. I agree that the matter stands there. Government have not taken a decision. If all these things had not happened, the agreement would have gone through within a few months. The agreement has been held up for the last three years because of these persistent efforts. Therefore, this gentleman is extremely angry and because of that anger, a reign of terror has been let loose and this charge-sheet against Shri Vijayachandran is a part of that reign of terror.

Then, I would like to point out that on the 23rd March, the President of the BHEL Executives Association had issued a public statement in which he said:

"We believe that the people of India both as the shareholders and as the major consumers of BHEL have the inalienable right to the following information:

(a) Concrete techno-economic and cost benefit analysis of the following decisions of BHEL management:

(i) Changing over from 130 Atmosphere to 150 Atmosphere cycle pressure for the 210 MW turbine as well a change over from impulse to reaction turbine.

(ii) Import of technology for the manufacture of large size thermal units.

(iii) Import of technology for most of BHEL's products from M/s. Siemens under an umbrella type of broad based collaboration.

(b) Analysis of the cost burden on BHEL and the country due to

obsolescence of capital. equipment and skills consequent to indiscriminate import of technology.

(c) Real and hidden losses due to additional import contact, loss of orders due to increased costs and under-utilisation of already built capacity.

(d) Comparison of costs of purchasing technology based on the needs of BHEL and the national economy as against the umbrella type of collaboration.

(e) Details of the product development plans, product committee reports and R&D plans prepared before the broad-based collaboration was mooted from the corporate headquarters and pushed down the units.

(f) Details of the objections raised by the engineers in BHEL both as individuals (in response to Shri Raghavan's letter) and as consolidated views of the units particularly those of Bhopal and Corporate R&D."

They say that none of these has been done by the BHEL management. And yet without doing these things they have been trying to push it through. Provided the Parliament or the Government gives us immunity from this kind of harassment, as in the case of Mr. Vijayachandran, we, the Executives, are prepared to produce a white paper which will show the techno-economic and cost benefit analysis of the whole thing. Therefore, they have given a challenge and today I am going to ask the Minister, instead of taking action like this, is he prepared to encourage those people? Is he prepared to encourage the Executives who are prepared to go thoroughly into the techno-economic analysis of the proposed agreement as well as with regard to all the doings of BHEL? Is he prepared to ask them, encourage them and to give them immunity, or will the Parliament give

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them immunity? And I am sure that this gentleman himself would be victimised tomorrow for issuing this statement. Parliament today must protect this gentleman who has issued this statement. Here I want to point out that no less a person than Mr. Ajit Majumdar, Secretary, Planning Commission, who had agreed to this agreement, later wrote: "Yojana Bhavan was led up the garden path and important information regarding this deal was not placed before us. Therefore, I am withdrawing my support". Here is a gentleman, Mr. Krishnamurti, who does not place the relevant information before the Planning Commission. He has been charged definitely that the relevant information had not been placed by him before the Planning Commission and, therefore, it was led up the garden path. Why? Because it does not serve the interest of Mr. Krishnamurti. Therefore, the Executives have specifically stated. Is the Government today prepared to have a public inquiry, an inquiry by Members of Parliament into the entire functioning of BHEL? This is a very relevant question. And why should the management feel embarrassed about it? Therefore, this is a specific charge. I have put some specific charges. Mr. Krishnamurti himself has passed on that information, the so-called sensitive information, and later he tries to pass it on to somebody in discharge of his duty, and on that basis even without an inquiry you are going to hold up his provident funds and all these things, according to the Minister's statement without even an inquiry.

The last point that I want to make is...

SHRI BHUPESH GUPTA: Make the last point, and a hitting point.

SHRI P. RAMAMURTI: This is a wonderful procedure that has been adopted. The gentleman has resigned. He resigned because he could not

work in this organisation, due to the harassment meted out to him. He was not given any work.

Sir, he is not the only person. Many other talented people have left the BHEL during the last one year because of the harassment that has been going on. Because of that, people left it. And today, this gentleman also finding his position impossible, has resigned on the 4th December, 1979. His resignation was due to take effect on the 4th January, 1980. Suddenly, on the 31st December evening, the management calls him, gives him this charge-sheet, says that he is suspended and that till the inquiry is over he should not leave Delhi and that he should attend office every day. This is a wonderful procedure. A greater kind of harassment cannot be imagined.

Then that gentleman wrote to say that he was no longer in their service from the 4th December, 1979 according to the terms of contract. But, he said, he was prepared to co-operate with them. Now, here is the BHEL which appoints a Vigilance Officer to conduct the enquiry which appoints a Deputy Superintendent of Police or a Superintendent of Police. They themselves cannot present the case. They want a CBI man to present their case. And when this gentleman asks that since the BHEL is drafting a Superintendent of Police of the CBI to present their case, Shri Vijayachandran wanted a lawyer, to cross-examine people, the BHEL says "No" and says: "You cannot be defended by a lawyer. You cannot have the right of cross-examination. These are our rules". The management can appoint a CBI man but this gentleman has no right to engage a lawyer. The management does feel competent to present this case and it wants an expert to present its case. But this man cannot have expert defence. Can you imagine any greater kind of harassment? And why this kind of harassment is being resorted? This is what I want to know. This is not the only case of

harassment. This harassment has been going on. I am prepared to prove that in this case, in the case of the BHEL, ever since this thing came out, ever since that time, continuous harassment of officials has been going on.

Then if you see the list of witnesses, you will be surprised to find—I am just giving you the list of witnesses—the name of the Printers. The CBI was asked to go and make an enquiry. The CBI went to the Printers of my book. Under what authority, I do not know. Without warrant, they go to the printers of the book. The manuscript was with the printer. They seized this manuscript—under what law, I do not know. One of the witnesses cited is by Shri V. Chhokkalin-gam S/o Shri Vadivelu, Printers and Publishers, Syndicate Printers, 50,

Ellis Road, Mount Road, Madras-1 P.M. ras-2. The Janata Government at that time was supposed to be functioning without any Emergency but here they used the CBI people. At that time at least the Industries Ministry had used the CBI people to go to the printer of my book and seize the manuscript and that man today is being brought as a witness. Under what regime are we? These misdeeds, I dare say, the CBI would have done only under pressure. The CBI would not have done it under other circumstances. Under what authority does the CBI go to the printer of my book? Am I not entitled to print the book? Where is the secrecy about it?

MR. DEPUTY CHAIRMAN: Please wind up now.

SHRI P. RAMAMURTI: Therefore, the final question I would ask is—and the most important question—this. In a country like the United States, when the issue of President Nixon's tapes came before the Court, obviously somebody must have given information regarding that. At that time they did not order an inquiry as to how Mr. Nixon's tape-recorded

conversations with foreign officials were leaked out. On the other hand Mr. Nixon had to go. If, what I have said in my book is correct, then the people concerned must go. Sir, what kind of a democracy are we having? Just see what happens in the United States. The United States Supreme Court held that the memoirs written Dr. Kissinger can be published. When he was in the United States Government he had to his possession certain classified documents and the United States Government went to the Supreme Court of the United States and said that this book should not be published. But the Supreme Court held that he has got every right to publish everything. "All this information must be known to the public; the public should not be shut out from all this information." But here in this country of wonderful democracy, when information regarding the misdoings of the public sector undertakings is divulged, then—a CBI inquiry is instituted and the CBI is asked to go into these things. In fact, I have made it very clear: I have got the information from a number of other people. I certainly used this gentleman, Mr. Vijayachandran, for correcting some technological mistakes with regard to the terms I used. I do not deny it. I used so many people. For example, there is a scientist in the Indian Institute of Science, Bangalore.

MR. CHAIRMAN: Please wind up now.

SHRI P. RAMAMURTI: I am winding up. He was undertaking a research project given by Mr. Viswanathan, Shri R. Venkataraman and myself common friend was in Madras, of Seshasayee Brothers, I found that the research project was going to be completely affected as a result of the proposed Agreement. Was it Mr. Vijayachandran that gave me this information? I found that Keltron—a Kerala State Undertaking was going to be affected; I found that ECIL was

[Shri P. Ramamurti]

going to be affected. All this information I have got by interviewing so many other people. Therefore, the point is, when such information comes to light we expose them in Parliament.

The last and most important point is, the temerity of this gentleman is astounding. This morning I was told by Mr. Jyotirmoy Bosu of the other House that Mr. V. Krishnamurthy has asked for instituting proceedings against an officer who gave evidence before the Public Undertakings Committee. Shri Jyotirmoy Bosu is referring it to the Privileges Committee. [He said he has got proof and he showed me that proof—that the proceedings of the Public Undertakings Committee were stolen by the Ministry of Industry, which they have no business to do. They had stolen that and on the basis of that stolen material—they are confidential documents—Mr. V. Krishnamurthy, Secretary of the Ministry of Industry, had asked for instituting proceedings against that officer and the matter is now going to come. He has already given notice.

SHRI BHUPESH GUPTA: I think he is admirably qualified...

SHRI P. RAMAMURTI: Therefore, Sir, Mr. V. Krishnamurthy is a Czar unto himself. Parliament does not matter. He is above the Public Undertakings Committee; he is above Parliament. Therefore, he can give information and he will pass it on to somebody else. I am prepared to prove every one of these charges. Will the Minister appoint a Committee of Parliament? Will the Government agree to appoint a Committee of Parliament to go into the misdeeds that are now being committed inside BHEL and see that the BHEL organisation is set right?

SHRI BHUPESH GUPTA: He is admirably qualified to be the Governor of Tamil Nadu.

SHRI K. K. MADHAVAN (Kerala): I raise a question now. Because BHEL

is a public limited company, the company is not entitled to privileges under the Official Secrets Act.

SHRI P. RAMAMURTI: What can you answer now?

SHRI R. VENKATARAMAN: If only you wait for ten minutes, you will come to know what I am going to answer. I will take only ten minutes to deal with the elaborate address by my esteemed friend Mr. Ramamurti. Sir, broadly speaking his criticism falls into two parts one is relating to the agreement between BHEL and the Siemens. He has brought out all the infirmities in the agreement and he has put forth a number of points which, according to him, should be taken note of and which should compel any Government to reject the agreement. Now it is not necessary for me to go into that aspect at all because, as I mentioned, this is under examination by the Government; no decision has been taken. Actually, the Cabinet is going to consider this matter sooner or later and all aspects which my friend Mr. Ramamurti has mentioned will be taken into account before a decision is taken. (*Interruptions*) Sir, when you roll up an argument, it is very difficult to answer it unless you separate the two parts. Whatever criticism Mr. Ramamurti has for the validity or the propriety or even the advantages or disadvantages of the agreement, I may say they are still open to question and no decision has been taken. Mr. Ramamurti at least knows that I am bringing to bear an open mind on this issue. We have not taken any action one way or the other. (*Interruptions*).

SHRI P. RAMAMURTI: I know that. I am not saying that.

SHRI R. VENKATARAMAN: That will put away a large part of the arguments advanced during the course of his address. The second point is with regard to the action in

respect of an employee. Now Mr. Ramamurti was condemning a number of things which have been done. Many people would be under the impression that they were done by me or by my Government.

SHRI P. RAMAMURTI: Not at all.

SOME HON. MEMBERS: Not at all.

SHRI P. RAMAMURTI: I made it clear that this Government was not there when this action was taken.

SHRI R. VENKATARAMAN: Thank you very much. I only provoked the House to say this and reaffirm it. (*Interruptions*) I wanted a confirmation from you and I have it. (*Interruptions*) Nevertheless, the Government is continuous and whenever there are certain actions taken, if they are proper, if they are according to the rules, they have got to be continued and carried on by the successor Government. That is my point. Now so far as this aspect is concerned, there are three points which arise here: first, whether the employee did pass on the information to anybody; second, whether such information was confidential or of a sensitive nature; and third, whether the employee was within his rights to pass on that information. Now the charge is that he passed on the information...

SHRI P. RAMAMURTI: No, the charge is that he is believed to have passed on the information. I have read from the chargesheet. It says: "You are believed to have passed on...". The charge is like that.

SHRI R. VENKATARAMAN: Mr. Ramamurti did not practise in

courts. All charge-sheets say that the person has committed such and such offence.

SHRI P. RAMAMURTI: Not believed to have...

SHRI G. C. BHATTACHARYA: There is no question of 'believing'. You should know it. You are a senior Member. When you say 'believe', there is no charge.

SHRI R. VENKATARAMAN: I say that certain charges have been made. One is that he did pass on the information.

SHRI P. RAMAMURTI: The charge does not say that. I am bringing the charge-sheet. It does not say that.

SHRI R. VENKATARAMAN: The charge says. The person who prosecutes, alleges that he believes that it has been done. Therefore, he does not come to the conclusion. (*Interruptions*).

SHRI P. RAMAMURTI: Sir, he has been a lawyer, and as a lawyer he knows—in fact we came in contact with each other back in 1934 when he was practising law—full well that to make a charge against a person to answer, you do not say, "I believe", but "you have done it". That means the onus of proof is put on the other side.

MR. DEPUTY CHAIRMAN: Let the Minister speak.

SHRI P. RAMAMURTI: He should understand that this is no charge except harassment.

SHRI A. G. KULKARNI (Maharashtra): There is a vast difference between a lawyer and a Minister.

SHRI K. K. MADHAVAN: It should be: "it is reported" or "it is alleged", not "it is believed".

SHRI R. VENKATARAMAN: What is the meaning of alleged? What is the wonderful difference between "believed" or "alleged"? We may say, "alleged" or "it is believed".

SHRI K. K. MADHAVAN: The other is subjective.

SHRI R. VENKATARAMAN: In a disciplinary proceeding the person who accuses says, "We believe that you have done such and such a thing". The question is whether he has done it or not. These are the points which were before the disciplinary committee and the disciplinary committee would have come to a decision either way: It would have said either that he passed on or did not pass on. Whether the information was sensitive or not and whether it was available in a audit report or in any other published document. Ultimately the disciplinary officer would have come to the conclusion. Well, it was within his rights. The only thing was that these were the three things which were posed before the disciplinary committee. But the officer concerned took the plea that he had resigned and that, therefore, the proceedings of the committee could not proceed. They cannot take the plea that the proceedings cannot go on against him after he has resigned. Naturally, we had to take a legal opinion, and the legal opinion was that we could not proceed with the case because he had resigned, that he is no longer a member.

A point which Mr. Ramamurti makes is that the CVC or the CBI had no authority to enquire into it. I am afraid he is not correct, he is not informed properly. The public sector employees are under the purview of the CVC and the CBI.

SHRI P. RAMAMURTI: No.

SHRI R. VENKATARAMAN: The second point which Mr. Rama-

murti made is this. I am speaking on instructions. The second point which Mr. Ramamurti said is that the CBI said that it was not within their purview. My instructions are that they did not say so.

SHRI P. RAMAMURTI: I am prepared to prove it.

SHRI R. VENKATARAMAN: I cannot enter into a dialogue with my friend, I will do so in the Lobby. At the moment the whole point which I have to place before you is that so far as the criticism relating to the validity or the propriety or the reasonableness of the agreement is concerned, the matter is open. The Government will take into account all the aspects which have been mentioned by him.

So far as the enquiry against this particular officer is concerned, it has abated because he took the legal plea that the enquiry cannot be done.

Then, so far as the disciplinary proceedings in respect of his provident fund and gratuity are concerned, he will be governed by the Government servants rules, and there is nothing for Parliament to discuss about them.

SHRI P. RAMAMURTI: A point of order, Sir. The point is, he is giving a wrong information. I want to say that he has been misled. I am trying to correct him. He says that the officer took the plea that there could be no enquiry, but the fact of the matter is that the management said, "You were an employee on the 31st of December. Therefore..."

MR. DEPUTY CHAIRMAN: Let us not go into that. That is not before us.

SHRI P. RAMAMURTI: Because he has given wrong information...

MR. DEPUTY CHAIRMAN: He will suffer for that.

SHRI P. RAMAMURTI: That is not the point.

MR. DEPUTY CHAIRMAN: This debate cannot go on like this, please. You have had enough time.

SHRI P. RAMAMURTI: Normally I do not interrupt. You know me. I don't do that. That is why, let him understand that this officer was told. . .

MR. DEPUTY CHAIRMAN: If the hon. Minister cannot understand after such a long speech, he cannot understand now in two minutes.

SHRI A. G. KULKARNI: May I know, Sir, from the Industry Minister. (*Interruptions*) I want to ask, but he is engaging his attention.

MR. DEPUTY CHAIRMAN: Order, please.

SHRI A. G. KULKARNI: Sir, Mr. Ramamurti and another friend, Mr. Bhattacharya have made their points. They have elaborated many aspects. . . (*Interruptions*).

MR. DEPUTY CHAIRMAN: Order, please.

SHRI A. G. KULKARNI: Many aspects of this case have been brought out. The Government has also given out facts and there is very little really, objectively looking at it, to ask for. So I want to confine myself to a very limited time.

Now, the hon. Minister himself has conceded that a departmental enquiry took place and it was found that Mr. Vijaya Chandran was found guilty of passing on certain information, whether "sensitive" or

"touchy" or something like that—God knows what it was. Our only difficulty, Mr. Industry Minister, is that we Members of Parliament, have not got any source other than the published documents, of the CSO or other statistical information published by the Government whether through the Industry Ministry or the economic Ministries. But, as Members of Parliament, it is also our duty to collect information from various sources. So I would request an assurance from the Minister that the officer will not be prosecuted because the information which has been given has not been given to Pakistan or the USA or somebody else. Regarding whatever has been supplied or has been alleged to have been supplied—I do not know whether it is a fact or not—in that connection, certain guidelines have now to be framed. You have read from the public sector manual or whatever it is as to what are the duties and responsibilities of officers. But now it seems that certain guidelines are required. The public sector in this country is occupying a commanding height and the relations between the engineers and officers of the public sector and the Members of Parliament require a certain amount of streamlining whereby such information can be used.

The second point is, in the *Hindustan Times* today—whether Mr. Venkataraman has read it or not, I do not know—there is a news item. Whether it has been particularly floated for today's Calling Attention or not, I do not know. I discussed it with Mr. Ramamurti as to how the news item has come in the *Hindustan Times* today. Now, the Industry Minister has categorically stated that the deal is not through. It is not enough to say that the deal is not through because in this country. Sir,—it was alleged here also about the son of the previous Prime Minister—the sons, daughters and dau-

[Shri A. G. Kulkarni]

ughters-in-law of the Prime Ministers or others who are in power have got the habit of meddling with the files of various departments. So I would like to know from the Industry Minister whether this deal, as per the news item published in the *Hindustan Times*, is being looked into to see whether any other Government whether it is the Swiss Government or any other Government, is going to be obliged and that is why this deal is being scuttled. Whether that also is correct or not, I do not know. You have to say whether this is correct or not.

My last point is that BHEL has become a mess. It is a fishy affairs. Every State Electricity Board complains that whatever equipment they receive from BHEL is not working properly and then there is power shortage. For Heaven's sake, kindly see that it works properly. That is the demand of the day. Kindly see that proper infra-structure is installed giving the maximum output.

SHRI R. VENKATARAMAN: Mr. Deputy Chairman, I agree with my hon. friend that some kind of guidelines should be now provided for regulating duties and responsibilities of people employed in the public sector undertakings in respect of information which they give outside. It is all right in this case because it was not very important, or I do not know whether it was considered to be important by some people. But there can be occasions when sensitive information can come into the hands of public sector enterprises and if it is passed on to other people who are mostly competitors this arises mostly in the case of competition it may lead to difficulties. Therefore, without taking any stand on this, I say this is a matter which even the Committee on Public Undertakings can go into. They can frame some guidelines as to what information can be passed on and what cannot be passed on by employees of public sector undertakings.

SHRI P. RAMAMURTI: What about internal audit report saying that the company is making a loss?

SHRI R. VENKATARAMAN: The fact that a company is likely to make a loss is not sensitive information. I suppose we understand English still.

The next point is that there is some press report that some other country or Government is going to be favoured...

SHRI A. G. KULKARNI: I said some sons are interested...

SHRI R. VENKATARAMAN: You know that in our country there are a large number of competitors who come and bid for our contracts. We find that all these people are floating information supporting their particular claims. So far as the Government is concerned, it cannot take note of them. All that I can assure the House is that this agreement will be examined on its merits and it will be decided purely on merits...

SHRI G. C. BHATTACHARYA: Though it is a sell-out? You are again going back. Even Prime Minister Mrs Gandhi said it is a sell-out...

MR. DEPUTY CHAIRMAN: You have said it so often.

SHRI R. VENKATARAMAN: He said it and I suppose repetition does not make it truth.

The last point raised by my hon. friend, Shri Kulkarni, is that BHEL is in a mess. It is true that there were some complaints about the equipment given by them. But complaints are also there in the case of imported equipment. For instance, we imported from Czechoslovakia...

SHRI A. G. KULKARNI: You know that BHEL has kept many power houses in Maharashtra and U.P. idle...

SHRI R. VENKATARAMAN: I would not condemn a national undertaking which is trying to do its best...

SHRI A. G. KULKARNI: It is not a question of condemnation. It is a question of improvement.

SHRI R. VENKATARAMAN: We should improve its working. I agree. We have to improve the quality of the equipment.

SHRI A. G. KULKARNI: We should give more attention to improvement, and less to condemnation.

SHRI R. VENKATARAMAN: We are trying to sell our equipment and trying to export. With this kind of statement by hon. Members, how can we do it?

SHRI A. G. KULKARNI: How can we get power in this country?

SHRI R. VENKATARAMAN: If the criticism is about the quality, I agree it must be improved. I have said in the beginning that we are trying to do it.

SHRI KALYAN ROY (West Bengal): Why not have a thorough investigation of the whole thing?

SHRI P. RAMAMURTI: By a Parliamentary Committee?

SHRI R. VENKATARAMAN: I cannot commit myself to any investigation by a Committee of Parliament. This is all I have to submit.

SHRI P. RAMAMURTI: If definite charges are made against the officer, is he prepared to have the enquiry?

SHRI R. VENKATARAMAN: I will only mention that if Mr. Ramamurti files definite charges, then Government will examine them.

श्री शिव चन्द्र झा (बिहार): उप-सभापति महोदय, मंत्री महोदय का जवाब बिल्कुल शाइलाक की तरह है—
We must have our pound of flesh.

इसकी कृपा वे सफाई करें कि जो जांच की है सेंट्रल विजिलेंस कमिशन ने और उसने जो कहा है उसके मुताबिक
(We must have our pound of flesh)

यह जवाब उनका निकलता है। लेकिन बुनियादी बात यह है कि पब्लिक अंडरटेकिंग का कोई हैड यदि महसूस करता है कि उस अंडरटेकिंग में कोई ऐबी खराबी चल रही है, ऐसा काम हो रहा है जिससे अंडरटेकिंग को नुकसान होगा, देश को नुकसान होगा, समाज को नुकसान होगा तो उसका यह फर्ज नहीं हो जाता है कि उसको दूर करने के लिये वह रास्ता निकाले और सोचे।

उपसभापति महोदय, यह गांधी जी का, जवाहरलाल का और लोकनायक जयप्रकाश का देश है। कानून अपनी जगह है, तरीके अपनी जगह हैं, लेकिन उसके ऊपर भी कोई नार्म है जो कि गांधी जी ने हमें दिखाये, लोकनायक जयप्रकाश ने हमें सिखाये और इस आधार पर कहना पड़ता है कि वह नार्म और फार्मेलिटीज पर आप जाते हैं तो शेक्सपियर के शब्दों में —

“law is an ars.”

इसलिए नार्म से भी हमें बातों को देखना चाहिए। विजय चन्द्रन ने महसूस किया कि कोई काम खराब हो रहा है तो उन्होंने इफार्मेशन दी है या नहीं, यह इल्जाम उन पर जो लगाया जाता है कि मेम्बर पार्लियामेंट को दी, बात उठी, जांच हुई। अब सवाल यह होता है कि उसको क्यों विक्टमाइज किया जा रहा है। उसके जरिये जो बातें आई कया यह सही है कि व बातें समाज के खिलाफ, अंडरटेकिंग के खिलाफ थीं। इसीलिए यह केस ऐसा है कि जिसकी टेकनीकलिटीज और फार्मेलिटीज के माध्यम से आप न जायें बल्कि इनके ऊपर उठकर संसदीय कमेटी जिसकी मांग उन्होंने ठीक रखी है, यह सही है। आप पार्लियामेंट की कमेटी बहाल करें कि कौन से वे डायूमेंट्स हैं जो उन्होंने पास किये, कौन से कागजात या खबरे उन्होंने दीं जो आपके नार्म और रेगुलेशंस के खिलाफ जाते हैं जिससे आप उन के खिलाफ

[श्री शिव चन्द्र झा]

कार्यवाही कर रहे हैं। उनका प्राविडेंट फंड, उनकी ग्रैच्युटी आप रोक रहे हैं। सारी जिन्दगी उसने लगाई उस ग्रैंडस्टेकिंग की सेवा में, समाज की सेवा में। यदि उसने महसूस किया कि कोई काम खराब हो रहा है उसको रोकें तो उन्होंने सम्पर्क किया मेम्बर पार्लियामेंट से या जन-प्रतिनिधियों से तो बड़ा गुनाह कर दिया? उप सभापति महोदय, हम लोग संसद में किस लिए हैं सरकार की कार्यवाहियों में जो खराबियाँ हैं उन्हीं को दूर करने के लिये यदि हम कुछ यहां उठायें तो हम लोग कदम कदम पर, प्रासीक्यूट हो सकते हैं। वह कर्मचारी जाँ हमें सूचना देता है, जो सरकारी शासन में खराबियों को दूर करने के लिए हमें अवगत कराता है उसको यदि आप प्रासीक्यूट करने लग जायेंगे तो कोई दिन ऐसा नहीं होगा जब हम लोग प्रासीक्यूट नहीं किये जायेंगे और हर कर्मचारी प्रासीक्यूट नहीं होगा : इसलिए मैं आपसे साफ साफ शब्दों में जानना चाहता हूँ कि इस तरह के केसेज जिनका संबंध पब्लिक ग्रैंडस्टेकिंग से है इसका नेचर ऐसा है जिसको पुराने स्टोरियो-टाइप तरीके से ऊपर उठ कर सर्वदलीय संसदीय कमेटी बना कर आपको देखना चाहिए। इसमें क्या दिक्कत है। रेगुलेशन के गुलाम न बन कर महात्मा गांधी, जवाहर लाल नेहरू और लोक नायक के आदर्शों के अनुकूल कमेटी बनायेंगे या नहीं? यदि नहीं तो क्या आपत्ति है?

श्री चरणजीत चानना : श्रीमन्, आन-रेबल मेम्बर हिन्दी में बात कर रहे हैं तो मैं हिन्दी में ही जवाब दूंगा। आपने ला के अन्दर नार्म्स की बात कही है, नार्म्स ला के अन्दर नहीं होते ...

(Interruptions)

श्री शिव चन्द्र झा : नार्म्स गांधी जी के हैं, नार्म्स दूसरे भी होते हैं। यह नार्म्स का

मतलब होता है ... (Interruptions)

अंग्रेजी कानून में भी नार्म्स होते हैं इसके स्टैंडर्ड को नार्म्स कहते हैं। आपके जो दूसरे वादें हैं उनका एक नार्म्स है और सामाजिक और ह्यूमैनिटेरियन नियम हैं उनका दूसरा नार्म्स है। यह मतलब है। इस हिसाब में आप क्या कहना चाहते हैं ...

(Interruptions)

श्री जी० सी० भट्टाचार्य : गांधी जी ने सत्याग्रह किया था, ला तोड़ा था उसके लिये आप क्या नार्म्स समझते हैं? क्या उन्होंने गलत किया था ...

(Interruptions)

श्री चरणजीत चानना : गांधी जी का नार्म्स था और लोकनायक का नार्म्स था। यह सारा ड्रामा जो है वह जनता सरकार के वक्त हुआ जिसके वह हिस्सेदार थे, नायक थे। उस समय का इन्वेस्टीगेशन हम करवा रहे हैं और कुछ नहीं करा रहे हैं। उस वक्त आप कहां थे मुझे पता नहीं। तीसरी बात जो आपने कही कि ग्रैच्युटी इन्कार की जा रही है तो मैं कहना चाहता हूँ कि यह गलत बात है। उसे सुनिये, देखिये। ग्रैच्युटी इन्कार नहीं की जा रही है। यह कहा गया है कि जब ग्रैच्युटी और पेंशन दी जाए तो उसका जो रिकार्ड है उसको देखा जाए और कोई बात नहीं है।

MR. DEPUTY CHAIRMAN: Mr. Kalyan Roy... (Interruptions)

SHRI KALYAN ROY: Let the Minister listen. Leave him, Mr. Ramamurti; you can have your private conversation afterwards... (Interruptions) Sir, I will be very brief. Is it a fact that the mighty, superman, Mr. Krishnamurti, Secretary, Heavy Industry, was guilty of gross corruption and there was a case against him? I give te exact No. of the case—No. 2 of 1977 — by the CBI, and then also by the Vigilance Commission. Both

of them recommended a strong departmental action to be taken against this corrupt officer, who gave contracts to an advertising agency and for supplying furniture, which definitely was detrimental and prejudicial to the interests of BHEL. My simple question is, has the Department or BHEL or have the concerned authorities till today taken any action against Mr. Krishnamurti? If not, why? What happened in between? Whose shadow fell in between? Who pressurised the BHEL or the Government not to take any action? This mischief of Mr. Krishnamurti at least should be made open before this House.

Secondly, Sir, it is far more serious because, as you have seen, we are dealing with the core industries, basic industries every day. The matter is too serious because it involves the future of public sector undertakings. I can understand that in the private sector people who leak out secrets about the evasion of income-tax or wealth-tax or gift-tax by the employers are hounded out. The classic case, as you are aware, was the case in relation to the book "Mystery of the Birla House". This book was also discussed in this House. An honest officer of the Birlas gave out information about the massive evasion of tax by the Birlas. On that basis, many tax returns of the Birlas were reopened and it was found that the Birlas were evading tax to the tune of Rs. 5 crores every year. Then the Birlas hounded him out of the Birla Brothers, and he wrote the book "Mystery of the Birla House". I can understand that the private sector has got lots of skeletons in the cupboard to hide. But we are dealing with Coal-India and we are dealing with Hindustan Steel.

We are dealing with Hindustan Cables. We are dealing with BHEL. These are our pride. But

it is also a fact that all of them are not performing very well. It is not because of the workers, but because there are planted men inside at the various levels, particularly at the top, who are out to sabotage and scuttle the public sectors. What protection can you give to those who come forward and save these public sectors and protect the interests of the public sectors vis-à-vis the big business, large houses and multi-nationals? This is the main issue. Are we going to support those persons in the public sector concerns who do not want them to lose? Everyday questions are being asked in this House and in the other House that the public sector concerns are losing Rs. 200 crores, Rs. 400 crores or Rs. 500 crores. The main conclusion is that the public sector should be handed over to the private sector. A campaign has been launched by FICCI in every industry, whether it is steel industry or power industry. Shri A. B. A. Ghani Khan Chaudhuri is on record as having said that he believed that the power houses should be handed over to the private sector. I do not know who gave all the information to Mr. Ramamurti. Mr. Ramamurti has said that this gentleman who has been harassed and victimised, the brave courageous man, has not given any information. He says that he got his help about certain technical words. That is all. As a matter of fact, he is a very senior Member of Parliament. He has been in political life for the last 56 years. He went into the public sector concerns and got the information. I am sorry that Mr. Venkataraman who is here is not showing any respect for what Mr. Ramamurti has stated. All the information is available. You have discussed it and debated it. After discussion and debate, everybody came to the conclusion—leave aside the technocrats—that this deal between the Siemens and BHEL was prejudicial and detrimental to the interests of the country and BHEL. Now, one

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man has been singled out for victimisation and he could not just work. Now, the second attack has been launched to deny him the Provident Fund and Gratuity. I ask Mr. Venkataraman whether he is far. What sort of example are you creating before the other public sector officers? In Coal India, I know that contract work is given to shady characters at a fantastic price leading to loss to the Coal India. The coal which should go to Haryana is being sold in Madhya Pradesh or the Madhya Pradesh coal is going to Tamil Nadu at a fabulous price. People give us the information. Some of them are employees and some are not employees. The facts are placed before the House. The House should know and the Minister should know that it is not possible for the Minister of know everything. We help him. He is attempting to delink the entire engineers, workers and employees from the Members of Parliament. Is it fair or justified? It is going to effect the public sector much more and going to damage the public sector for eternity and for all time to come? What are your guidelines, Mr. Venkataraman? How long are you going to support these corrupt officials who are sabotaging from within and converting the public sector organisations into private empires? As a matter of fact, it is known to everybody that when a Chairman of a public sector undertaking retires or a Secretary of the Ministry of Heavy Industries or a Secretary of the Ministry of Power or a Secretary of the Ministry of Coal retires, he gets a cushy job within two months in the private sector. Please take the list. Mr. Chari who was for three years the Secretary of the Ministry of Coal has opened a beautiful consulting agency earning much more than he earned before. When they are in the offices, they maintain very close links with the multi-nationals and the big business. And I do not want to name. But I know certain officers holding

the position of Secretaries of the Government of India who in about two months of their retirement joined the multi-nationals and the big business houses. No advertisement is made. And nobody knows when they joined because when they were the Secretaries or the Chairman of the public sector undertakings, they helped the multinationals and the big business. Now we are trying to stop this shady business, we are trying to stop this loot and plunder of the public sector. And instead of protecting the honest, sincere and hard-working employees, from a peon to an engineer, who would be earning much more in the private sector but who are now in the public sector, and who are doing good jobs, fine jobs, they are being hounded out. It is the Watergate in reverse; it is the McCarthyism of the worst type. It is the most atrocious thing that has ever happened in the history of India. As a matter of fact, Sir, you are aware and you were a Minister at that time.

MR. DEPUTY CHAIRMAN: You have to finish now.

SHRI KALYAN ROY: I am finishing, Sir.

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta has a Special Mention. If this is not over before two, it will not be taken up.

SHRI KALYAN ROY: There is one more. Anyway, Sir, I give it up. I forgot it.

SHRI R. VENKATARAMAN: Mr. Deputy Chairman, Sir, one specific charge was mentioned and Mr. Roy asked me whether I have information about some specific charge against the officer. Sir, I am sorry to say that I have no information with me now. If the hon. Member puts a separate question ...

SHRI KALYAN ROY: No, no. I put a specific question. I know specifically the CBI investigated, the

Vigilance Commission investigated, the Case No. 2 of 77. And I asked him to take serious departmental action against him.

SHRI R. VENKATARAMAN: Unfortunately, I do not know...

SHRI KALYAN ROY: That shows the gap in your knowledge, that shows the officers are trying to mislead you.

SHRI R. VENKATARAMAN: I came only a few days back and, therefore, I could not have any knowledge of the things which you have said before. That is all I said. If you raise a point, it is for me to answer. You must give me notice about it.

SHRI KALYAN ROY: I am giving you notice right now. Please take note of that and supply us the information.

SHRI R. VENKATARAMAN: This is not the way to give notice. No, Sir, I refuse to accept . . .

SHRI KALYAN ROY: When we make a serious allegation on the floor of the House, the Minister pleases to enquire and place the information on the Table of the House. I am giving notice here in the Calling Attention.

SHRI R. VENKATARAMAN: If you want the Government to move in the matter, the way in which you move is to put a specific question. And I can collect the information.

SHRI KALYAN ROY: In the Calling Attention. I put it. I said: Are you aware of it? If you are not aware of it, you will inform the House. This is how we move. You were never a Member of this House. You should know about it.

SHRI R. VENKATARAMAN: Anyway, thank you. I learn. After all, I never think I am too late to learn. There are some people who know everything even before they come...

SHRI KALYAN ROY: I have some humility also.

SHRI R. VENKATARAMAN: Therefore, Sir, I say that unless some specific question is put, it will be impossible for me to get any information on that.

SHRI KALYAN ROY: Sir, on a point of order. Sir, in the Calling Attention. I have made a specific allegation. It is quite true that the Minister may not be aware of it. I do understand that. When I am making an allegation, he can better enquire and find out. If the allegations are true, he can pass on the information here or write to us or place it on the Table. Say yes or no. That is all. That is what I am saying.

SHRI R. VENKATARAMAN: Sir, if a question is put, I can collect the information.

SHRI KALYAN ROY: Sir, I have put a question. What is your ruling, Sir?

MR. DEPUTY CHAIRMAN: It is not a question of ruling. If the hon. Minister has the information, he will give it right away. And he says that if you want a detailed answer you can table a question.

SHRI KALYAN ROY: That will take time. I put a question right now here.

MR. DEPUTY CHAIRMAN: But he has not got the information. He wants a notice for that.

SHRI R. VENKATARAMAN: Even if he puts a short notice question, I will agree to answer that.

Sir, the second point is that this is a matter which has been debated at great length as to what are the limits of divulging information by public sector employees. I do not hold any brief for any particular point of view. But I say there must

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be a limit for the type of information which is being given by public sector employees because in this country there are a large number of people competing and trying to influence the opinion by way of several publications in newspapers, lobbying in several circles, and so on. (Interruptions). Whoever lobbies and whoever commits a mistake, I am not going to defend, I am not going to protect him. But, at the same time, one should know definitely what the limit of the information that a public sector employee can divulge is?

SHRI P. RAMAMURTI: Achievements of the BHEL is not a secret document.

SHRI R. VENKATARAMAN: It is a question of fact. You are begging a question. If a matter is not sensitive, it does not matter. Then nobody will complain. The question whether it is a question of fact, will have to be decided on each issue.

The next thing that I want to tell Mr. Roy is that the Government have not decided to withhold the gratuity. I mentioned that the question of gratuity will be disposed of in accordance with the rules governing this service and I did not say that he will not get his dues.

SHRI P. RAMAMURTI: The CBI has said such a thing.

SHRI R. VENKATARAMAN: No, I have not...

The last point which he has made is that some officers join multinationals and so on. There are definite rules governing the civil servants joining private service after they leave the service of the Government of India. If they want to join according to the rules, they will be able to join, otherwise not.

Sir, I thank the House for very patiently hearing me.

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh): Mr. Chairman, Sir, the hon. Minister has talked about the sensitive information. (Interruptions). Sir, the question whether Members of Parliament are entitled to get information in the national interest or not is a sensitive question.

SHRI N. K. P. SALVE (Maharashtra): Or, against the national interest.

SHRI NAGESHWAR PRASAD SHAHI: Every day we get information from public sector employees and even from high officers of the Government, high IAS officers, about the shady deals and then we put questions to Ministers and we bring the facts to the knowledge of Ministers. The very fact that this matter is pending before the Cabinet for the last two years goes to prove that there is something. Sir, I want to bring to the notice of the hon. Minister the fact that multinationals are capable of influencing the officials and high-ups. I say only that they are capable of. I do not make any allegations. I say that they are capable of. The history reveals that these multinationals have influenced even the Prime Ministers and Ministers of different countries. You know about the Boeing deal and the Japanese Prime Minister. You know about the Boeing deal and other Ministers of different countries. Therefore, Sir, it is an established fact that these multinationals are capable of influencing the high officials, the Ministers and other high-ups. Therefore, Sir, even if it is considered by the hon. Minister that the information leaked out by Mr. Vijaychandran was sensitive but since the matter is before the Cabinet for the last two years and the deal could not be finalised, it goes to prove that this agreement was not in the interests of the BHEL and the country.

Again, Sir, you know it that the Watergate issue would not have come to light if the government officials had not leaked out the sensitive information. Again, Sir, the Kanti affair would not have come to light if the officers of the Income Tax Department had not leaked out the information. Again, banking loans to Maruti and other Sanjay affairs would not have come to light, Mr. Finance Minister, if the officers had not leaked out the information. The question is whether the so-called sensitive information leaked out is in the interest of the country and the public sector institution or is leaked out in the interest of some individuals. If it is leaked out in the interest of some individuals, then definitely you are entitled to forfeit the gratuity and other benefits available to the employee. But if it is leaked out in the interest of the country and the interest of BHEL, no rule can say that you should forfeit the gratuity or any privilege of the employee. Therefore, the hon. Minister must keep this fact in mind. Also, Sir, information published in the New York Times about USA's arms deal with Pakistan about ten years back and all these things would not have come to light. Even the pressmen know all these things only from the Government officers or from the public sector officers and they publish it. Therefore, the only criterion should be the national interest and none else. No rule should stand in the way except the national interest. Therefore, I would like to know from the hon. Minister whether he will apply only the criterion of the national interest in deciding upon any disciplinary action against Mr. Vijaychandran and also the matter of gratuity and other benefits for the employee.

SHRI R. VENKATARAMAN: Sir, I thank the hon. Member for all the advice he gave me. Actually, I shudder at the prospects in the Finance Ministry; if everybody leaks out all the information I wonder

what will happen to the administration.

SHRI G. C. BHATTACHARYA: You are dealing with this question in a light manner.

SHRI NAGESHWAR PRASAD SHAHI: The nation is not for the administration; the administration is for the nation.

SHRI R. VENKATARAMAN: As far as the other part of the question is concerned, that is, whether it was done in national interest, it is a matter which the Government does not decide; it is actually the BHEL which will decide and they will keep all these factors into consideration and if they do anything in an arbitrary manner, Government will interfere.

SHRI N. K. P. SALVE: We on this side of the House want to look at this matter a little objectively. We do not want to approve of this agreement or any agreement, or the proposed agreement, if it is not in the larger interests of the nation. We do not want Brown Boveri to come which I think was being paddled by the erstwhile Prime Minister's son nor are we going to paddle for G.E.C. which Mr. Subramanian Swamy was paddling. Nor are we going to lobby for the Soviet people who are putting up something else and saying our indigenous technology is good enough and we do not need anybody else to come up and no technology is required, according to this lobby, for electric rotating products. But in regard to this question whether we need this technology or not, whether the payments are commensurate with the terms of the contract or not is a matter which cannot be decided on the floor of this House. There is a set of experts. There are technicians. There are scientists who and who alone should decide calmly, quietly and uninfluenced and for this it is absolutely essential that in this House there should be no witchhunting. No one must be eulogised and be made a hero for giving some information.

[Shri N. K. P. Salve]

If it is some information regarding some malpractices, if it is some information regarding some mishandling, if it is some information regarding some mishandling of funds, it should come to Members of Parliament and there is no doubt about it. But if it is an information, if it is some extremely sensitive area, if it is regarding some nuclear technology which relates to some secret agreement, then, it is a different matter completely. If such information is given out, then, it is not only a betrayal of the BHEL, but it is an act of very high treason and who has done it is another question. Therefore, let us not mix up the issues completely. (*Interruptions*). Please sit down.

SHRI G. C. BHATTACHARYA: I can shout more than you, Mr. Salve. (*Interruptions*)

SHRI N. K. P. SALVE: I am not yielding to him. (*Interruptions*)

SHRI G. C. BHATTACHARYA: Mr. Salve, you know, I can shout more than you. Do not try to shout. (*Interruptions*)

SHRI N. K. P. SALVE: Sir, I am not yielding to him.

Sir, I do not know why this document should have embarrassed us body. But this has embarrassed us for one reason and I would like my friends from this side to know. On page 9 of this document, which has been written by Mr. P. Ramamurti, we have been unnecessarily lobbed in. It says:

"There is every reason to believe that in this it struck a deal with the caucus of Mrs. Indira Gandhi that was running amuck in the country."

Then, on page 19, it has been observed by Mr. P. Ramamurti:

"As already stated, the entire exercise for this agreement started in 1974 and culminated in August, 1976, that was the heyday of Indira Gandhi's rule, with her caucus running riot in the country at the height of the Emergency."

Then, on page 49, this document says:

"Again, it needs emphasising that the contract was concluded at the height of the Emergency, when Mrs. Indira Gandhi and her caucus were all-powerful, and when all norms and procedures laid down for administrative propriety were trampled upon with impunity."

If there is anybody who has the national interests above all other interests and who will not barter away the national interests even by a centimetre, it is Mrs. Indira Gandhi and Mr. Sanjay Gandhi. We know. If that be correct, whatever has been said so far as Mrs. Indira Gandhi and Mr. Sanjay Gandhi are concerned, are absolutely incorrect. Sir, it is very unfair that one Mr. Vijayachandran is sought to be made a hero. This is not the forum to make him a hero. Is one single individual so powerful, or is the Government machinery so powerless, that one Secretary or just one single individual, one single official, just swings around several Prime Ministers, several Ministers of Industry, several Secretaries and the entire Government machinery and goes on merrily doing everything which he wants to do and sells away the Indian interests? Sir, I cannot believe this can be true. I would like to say, since so much cloud has been raised, let us be objective about it. I know these interests will be safeguarded so far as the agreement with the SIEMENS is concerned. The question as to whether we need the technology or not, the question whether the payments are commensurate with the terms of the contract or not, is a matter which will be decided by

appropriate people. But since there is an allegation that in a particular sensitive area of nuclear technology some information has been divulged and it is unanimous that this amounts to high treason and the officer concerned refuses to co-operate on technical grounds, before you release his gratuity—I do not want any employee's gratuity to be withheld—will you be fair enough to carry on this? Will you assure this House? Since this is a very important matter which involves national interests and if these allegations are correct, it amounts to high treason, will you carry on this to its logical end and find out who is really responsible? Is it Mr. Krishnamurthi or is it Mr. Vijayachandran?

Secondly, I would like to know, is it Mr. Krishnamurthy. 2 P.M. who is responsible for unleashing the harassment on Mr. Vijayachandran? I would like the hon. Minister to answer these two points.

SHRI R. VENKATARAMAN: Sir, there are two points raised. So far as the disciplinary action is concerned, I said that the normal procedure will be followed and whoever is guilty will be treated according to the procedure. That is what I would like to say because who is guilty I have no information on that. So far as the other allegations are concerned, now since the whole matter is before the Cabinet, the Cabinet is going to take a decision entirely on the merits of the case. Therefore, it is not necessary for me to go into this.

SHRI N. K. P. SALVE: Is Mr. Krishnamurthy responsible for harassment?

SHRI R. VENKATARAMAN: Sir, I cannot go into this.

STATEMENT BY MINISTER

Decision of the Government to accord full Diplomatic recognition to the office of the Palestinian Liberation Organisation in New Delhi

THE MINISTER OF EXTERNAL AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, the House will be happy to know that the Government of India have decided to accord full diplomatic status to the office of the Palestinian Liberation Organisation in New Delhi. India was amongst the very first countries, outside the Arab world, to recognise the P.L.O. and to permit them to establish their office in New Delhi in 1975.

Over the years, not only by words but also by deeds the people of India have demonstrated their sympathy, affection and brotherly feelings for the Palestinian people. It is appropriate to recall that it was Mahatma Gandhi who first roused the conscience of the world by bringing the Palestinian problem to the attention of the international community. India has all along supported the Palestinian cause in the United Nations, and indeed in every international forum. Granting full diplomatic status to the P.L.O., therefore, is but another logical step.

We continue to maintain that no comprehensive settlement of the West Asian problem is possible without involvement of the P.L.O. as an equal partner in negotiations. That alone can bring about lasting peace. The inalienable rights of the Palestinians, including their right to a national State, must be fully restored.

Sir, may I also take this opportunity to announce that the Prime Minister has invited Mr. Yassen Arafat, Chairman of the Palestinian Liberation Organisation, to pay us an official and friendly visit. He will