

RAJYA SABHA

Thursday, the 29th August, 1974/7th Bhadra
1896 (Saka)

The House met at eleven of the clock,
Mr. Deputy Chairman in the Chair.

ORAL ANSWERS TO QUESTIONS

*784. [The questioner (Shri Babubhai M. Chinai) was absent. For Answer, vide col. 34 infra.]

Papers regarding the case of a Central Government Officer

*785. SHRI S. S. MARISWAMY :

SHRI B. D. BARMAN :†

SHRI YOGENDRA SHARMA :

SHRI L. MAHAPATRO :

DR. Z. A. AHMAD :

Will the Minister of INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY be pleased to refer to the answer to Starred Question 326 given in the Rajya Sabha on the 9th May, 1974 and state :

(a) whether papers regarding the case of Shri N. K. Seth, an officer, against whom certain remarks were entered in his confidential report but were expunged later, have been placed before the Prime Minister ;

(b) if so, what are the details thereof ; and

(c) what action the Prime Minister has taken in the matter ?

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM) : (a) to (c) A statement is laid on the Table of the House.

Statement

(a) Yes, Sir.

†The question was actually asked on the floor of the House by Shri B. D. Barman.

(b) and (c) Shri Seth's request was for :

(i) certifying his integrity in the Confidential Report for the period from 1-4-1971 to 16-10-1971 ;

(ii) expunction of the remaining adverse remarks ; and

(iii) his promotion to the post of Joint Secretary or equivalent.

His request at (i) above has been acceded to and a certificate of integrity has been recorded in his Confidential Report for the period in question. His requests at (ii) and (iii) above were specifically placed before the Prime Minister who has decided, after taking into account all relevant factors, that these cannot be agreed to.

SHRI B. D. BARMAN: Will the hon. Minister please tell us whether the remaining remark that 'the officer finds it difficult to fit into the team' has been expunged because this remark has been made by a senior officer who had made the other confidential remarks which have been expunged ? The normal presumption should be that his remarks were subjective and biased and hence they deserve to be expunged. May I know whether the remaining remarks in his confidential report have been expunged ?

SHRI C. SUBRAMANIAM: I may say, Sir, that the remaining portion of the adverse remarks has not been expunged, and those remarks are justified. I agreed here that I would place the whole matter before the Prime Minister. The Prime Minister has also gone into the case very carefully, and this decision has already been taken. Therefore, I would respectfully submit that it is not a case where there should be some sort of a pressure from the Members here to do a particular thing with reference to an individual officer.

SHRI B. D. BARMAN: May I know whether the fact has been brought to the attention of the Prime Minister that the remaining confidential remark has been kept in order to prejudice this officer ? That the senior group of officers may look down upon

him and harass him—is that the reason why the remaining confidential remark has been kept in his confidential report ?

SHRI C. SUBRAMANIAM : Assessment of every officer has got to be made by the superior officer. And in making that assessment if there is any complaint or if there are adverse remarks, certainly they are communicated to the officer concerned, and he is entitled to make a representation. The whole process has been gone into, and the highest authority has looked into it and she has come to a decision. I do not think there is any case to be reopened.

SHRI S. S. MARISWAMY : This whole episode has arisen after that officer has taken a very strong action in regard to the expansion programme of Mohan Meakin Breweries. And after that, his superiors had developed a peculiar approach about the character, conduct and efficiency, etc. of this officer. Is it not the duty of the hon. Minister to protect his subordinates when they take up a fight for the rightful cause, against being penalised by the superiors ? I would like to know since when this officer became *persona non grata* to his officers ? Is it after his pointing out that Mohan Meakin Breweries had done something illegal or is it before that ? That is a very pertinent question. I would like to know whether that has been brought specifically to the notice of the Prime Minister.

SHRI C. SUBRAMANIAM : All the facts have been brought to the notice of the Prime Minister. Exhaustive notes were placed before her and she had gone into it, and a decision has been taken by her. This House also said that finally the Prime Minister should look into it, and that stage has been reached. I do not think this is a matter where further representations are called for. I have also gone into the whole case and I have come to certain conclusions and they have been confirmed by the Prime Minister also. I think there is a limit to which even particular officers should go in approaching Parliament Members, if I may say so.

DR. Z. A. AHMAD : Sir, there may be a limit to the extent to which officers may go to Parliament Members....

SHRI K. CHANDRASEKHARAN : Is there a limit really ?

DR. Z. A. AHMAD : There may be a limit, but I think there should also be a limit to the extent to which honest subordinate officers are victimised by the higher officers for disagreeing with them on certain questions of public concern. Now, Sir, I am raising this question because I want that this episode should be brought to an end. Mysterious statements are made by the hon. Minister, that the matter has been gone into and some decisions have been taken. We want to know whether that particular officer has been totally exonerated of the charges that were brought against him and whether the conduct of the higher officer, Mr. B. B. Lal, has been examined when he penalised this officer for disagreeing with him because this particular officer, Mr. Seth, did not want Mohan Meakin to be given freedom to expand their capacity beyond the legal limits.

SHRI S. S. MARISWAMY : On a point of order, Sir.

DR. Z. A. AHMAD : I want to know whether he has been exonerated and whether the conduct of B. B. Lal has been examined.

SHRI S. S. MARISWAMY : Sir, the hon. Minister in his wisdom just now said that there is a limit for the officers to go to Parliament Members. This is a clear-cut reflection on the Members of Parliament. As a matter of fact, I have never seen Mr. Seth and I do not know whether he is black or white or brown or what colour. (*Interruption*) It is a reflection on the Members of Parliament.

MR. DEPUTY CHAIRMAN : Mr. Minister, you answer Dr. Ahmad.

SHRI C. SUBRAMANIAM : As has already been pointed out, on previous occasions, there were various remarks, adverse remarks, against him and I had gone into it, and I had removed almost all of them except one remark, i.e. "His pace of disposal is halting; finds it difficult to fit in a team." This is the only thing which has been retained. I have gone into it as far as this aspect is concerned. I have tried to satisfy myself not only with reference to this official but by

talking to other officials with whom he had worked to find out whether these were justified. I am more than satisfied that these remarks are quite justified as far as this officer is concerned and that is why I retained them. But the hon. Members made a submission that it should not rest with my judgment and it should go to the Prime Minister also. It went to the Prime Minister also and the Prime Minister had gone into it and she had also come to the conclusion that these remarks should remain. That is where it stands. I do not know what else I can do in the matter.

DR. K. MATHEW KURIAN : I would like to know whether it is a fact that when the promotion of this officer was considered in August, 1973, no specific integrity certificate was given to him, as required under the rules, although by that time Mr. N. K. Seth had already been exonerated after the unfortunate, unholy, misdirected enquiry against him. I would also like to know whether a very senior officer, Mr. B. B. Lal, made a certain remark in Mr. N.K. Seth's confidential report two years after such entries in his confidential report were due and also after the senior officer's retirement from service. In other words, rules do not permit retired officers to write confidential reports. Here is a case of Mr. B. B. Lal in collusion with M/s. Mohan Meakin, and in collusion with other very high officials trying to sabotage and to harass an officer. Unfortunately, the hon. Minister replies to it saying that possibly that officer has met some Members of Parliament. Such an unfortunate statement also reveals that even the hon. Minister, Mr. Subramaniam, is protecting big business like Mohan Meakins.

SHRI C. SUBRAMANIAM : The hon'ble Member is entitled to pass any remarks as he likes. I certainly treat it with whatever attention it deserves.

SHRI A. G. KULKARNI : Ignore him.

SHRI C. SUBRAMANIAM : That is quite a different thing. I am not interested in not protecting an honest official. I have

gone out of my way to call for all the records, go into it very carefully and whatever justice could be done to him has been done. If there was any injustice done it has been removed. As I already stated it is with reference to a particular remark that we had gone into it fully and tried to find out whether that also should be expunged. We have come to the conclusion at the highest level that that remark was justified and it need not be removed. As far as his further promotion is concerned, my Ministry has nothing to do with it. It is a question of the Personnel Ministry. It has to constitute various Committees. As for his next promotion to the post of Joint Secretary, if I could take the House into confidence, three separate panels, not one, connected with each other of different officials, had been constituted to go into his suitability for further promotion. They have said, "Not yet right for promotion". What else can be done in this case I really do not know.

DR. K. MATHEW KURIAN : On a point of order. I asked two questions. Both the questions have been evaded. The Minister was giving general answer. I asked two specific questions: (i) whether in August 1973 when the promotion of this officer was being considered an integrity certificate was given; (ii) whether the senior officer, Mr. B. B. Lal, wrote the report at a time when he had already retired . . .

MR. DEPUTY CHAIRMAN : Do not repeat it.

SHRI C. SUBRAMANIAM : He has not retired. He is still in service.

DR. K. MATHEW KURIAN : . . . The Minister sent for it in August 1973, two years later. Sir, I seek your protection.

MR. DEPUTY CHAIRMAN : He has replied. He is still in service.

SHRI BHUPESH GUPTA : You will kindly listen to me. We have even been insinuated. Mr. Seth opposed the expansion of licence to Mohan Meakins Breweries when a show-cause notice was pending against it for illegal expansion when Mr. B. B. Lal and other senior officers wanted to

give expansion. This is on record. May I know whether it is a fact that a senior officer, when he was the Secretary of the Ministry of Industrial Development, favoured Mohan Goldwater, an associate company of the Mohan Meakin Breweries in disregard of the serious charges against this distillery and whether after his retirement from service the same officer had occasion to make certain entries in the confidential report of Mr. N.K. Seth when these entries had become already due—they were due two years earlier—what was the mysterious reason for this entry when we know that retired officials are not entitled to make entries. Why did he do so and why was it done two years later? Is it to persecute the officer because Mr. B.B. Lal was in favour of Mohan Goldwater? May I know whether it is a fact that after expunging most of the remarks in the confidential report of Mr. N.K. Seth one or two remarks were kept against him? I should like to know what is the protection to such officers who go against the big business and who disoblige some of the obliging senior officers towards big business? May I know what protection such an officer has in the hands of the Prime Minister and others of the Government? It is no use trying to protect your Secretary. Everybody knows that Mr. B.B. Lal was a land grabber. Charge is pending against him. Many things have appeared against him. Therefore, I should like to know whether this official will have protection.

SHRI BHUPESH GUPTA: I have asked a specific question. A matter of privilege may come out of this.

SHRI C. SUBRAMANIAM: As far as expansion of Mohan Meakin Brewery is concerned, I have already answered it. That expansion was not granted. Now the specific question is with regard to this officer..

SHRI BHUPESH GUPTA: I have asked a specific question. I repeat it for you: Is it a fact that the senior officer, when he was Secretary of the Ministry of Industrial Development, favoured Mohan Goldwater, an

associate company of the Mohan Breweries, in disregard of serious charges against it and is it a fact that the same officer, after his retirement, made entries in the confidential report of Mr. Seth.

SHRI C. SUBRAMANIAM: Mr. B.B. Lal is still in service. I do not know who gave the idea that Mr. B.B. Lal has retired..

SHRI BHUPESH GUPTA: I have not mentioned Mr. B.B. Lal or anybody. You may mention if you like.

SHRI C. SUBRAMANIAM: Which other retired officer has entered the remark, I do not know. There were two points which required clearance: one is with regard to certifying his integrity; and that certificate has been given...

SHRI BHUPESH GUPTA: No, Sir. On a point of order. In 1973 when the case was considered, was the integrity certificate given at that time? If not, was it not a violation of rules which make it mandatory to give integrity certificate while in service?

SHRI C. SUBRAMANIAM: Certain matters were pending. With these matters pending, integrity certificate was not given. When we went into the whole case and when I removed even the adverse remarks, naturally that integrity certificate had to be given and it has been given. Now, whether he is entitled to promotion from this grade to Joint Secretary's grade is a different matter altogether.

SHRI BHUPESH GUPTA: Sir, I seek your protection...

SHRI C. SUBRAMANIAM: No, in fact I have to seek protection...

SHRI NIREN GHOSH: You need not have protection. You have the protection of the Prime Minister; otherwise, you won't be a Minister.

SHRI C. SUBRAMANIAM: ..because everytime I make an attempt to say something, you just jump.

Therefore, I respectfully submit, the question is confined to specific points with regard

to this officer; all other things are a historical background into which we have already gone and we have given specific answers with regard to every point that was raised. Now the question is with reference to this officer there were two matters pending; one with regard to his integrity certificate, and as I have said, that integrity certificate has been given; secondly...

SHRI BHUPESH GUPTA : Was it given in 1973 ?

MR. DEPUTY CHAIRMAN : He has just now explained that certain matters were pending and after they went into them, then the integrity certificate was given...

SHRI BHUPESH GUPTA : Why are you giving an interpretation ?

MR. DEPUTY CHAIRMAN : I am not interpreting. I am repeating because you are asking the same question repeatedly.

SHRI BHUPESH GUPTA : I asked him whether the certificate was given in 1973, two years after he had been exonerated already. There was no reason to withhold the integrity certificate in 1973. There was no charge against him.

SHRI C. SUBRAMANIAM : Now it has been given. The second point is expunction of a particular adverse remark which still stands against him. It is with reference to this, this House also took up the matter and they said that they were not satisfied with my judgment and that this should go to the Prime Minister, and the matter has been submitted to the Prime Minister and she has already gone through the whole file and passed her orders. This is where it stands. I really do not know why Members are getting excited about it. I can give this assurance—of course, this officer is not under my charge now; he is an IAS officer and he is entitled to his rights whenever he is entitled to promotion. But he has to go through the process. Simply because something happened, he cannot take advantage of it to get a promotion even when it is not due to him.

SHRI SUBRAMANIAN SWAMY : Sir, I am more concerned with the policy aspect in this case. The adverse remark was given by Mr. B.B. Lal when he was Chairman of the UP Electricity Board. The Minister there complained to the Vigilance Officer about his activities about which it is all in writing. The same officer files a confidential report. I would like the Minister to tell us whether he would consider doing away with this system of confidential reports because this system is really archaic. In no modern country is this system adopted. It was adopted during the British rule for obvious purpose of terrorising junior officers. Would you consider an alternative system by which the evaluation of officers can be made ?

SHRI C. SUBRAMANIAM : This is hardly a matter which I can answer. I think the question should be put to the Prime Minister or the Home Minister.

MR. DEPUTY CHAIRMAN : Next Question.

SHRI BHUPESH GUPTA : The Prime Minister has been misled.

SHRI SUBRAMANIAN SWAMY : Now that the Prime Minister is here, she can answer it.

MR. DEPUTY CHAIRMAN : This is not the way. We are on a different question now.

*786. [*The questioner (Shri Rajnarain) was absent. For answer vide col. 35-36 infra.*]

†Compensation to House and Land owners in Mizoram

*671. **SHRI LALBUAIA :** Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that recently the Security Forces occupied many private houses and lands without paying any rent or compensation to the owners in Mizoram;

(b) if so, the reasons therefor; and

(c) what steps are being taken by Government to compensate the owners ?

†Transferred from the 23rd August, 1974.