

DR. Z. A. AHMAD: This cannot be allowed.

MR. CHAIRMAN: Please sit down.

श्री राजनारायण : हम नहीं पूछ रहे हैं हम बैठ रहे हैं। सब मुझसे ही कहते हैं कि रखे नीची नज़र अपनी, कोई उनसे नहीं कहता कि निकलो मत अयां होकर। अगर अयां होकर मंत्री महोदय निकलेंगे तो हमारी नज़र भी चौड़ी होगी (व्यवधान)

डा० जैड० ए० अहमद : चैयरमैन साहब . . .

MR. CHAIRMAN: I do not want you to take any more time.

श्री राजनारायण : जैड० ए० अहमद ने मुल्क की आजादी की लड़ाई में कुछ किया है।

श्री उमाशंकर दीक्षित : अध्यक्ष महोदय, यह सारी स्थिति हमारे साथी मिर्धा जी ने बतायी। इसका एक ही अर्थ है कि एक धोकेबाज सारी उम्र जगह जगह जहाँ जाता रहा धोका देता रहा। वह धोखा इसलिए दे पाया कि पहले की बात दूसरे को न मालूम हो ऐसी जगह जाता रहा और वह आखिर उनके पी० ए० को भी धोखा दे गया। राजनारायण जी को भी धोखा दे सकता था अगर वह ऐसी स्थिति में होते। तो श्रीमन् मैं कहूंगा कि कहीं एक जगह भी ऐसा संदेह नहीं हुआ कि उससे कोई ज़ाबूसी काम किया या उसने खुफिया का काम किया। किसी एक ने भी संदेह नहीं किया। उसके साथ जबरन, गलत तरीके से, पहले पी० ए० को फंसाते हैं, फिर मिनिस्टर का नाम लाते हैं, जो कि नितांत अनुचित है, निराधार है। एक धोकेबाज ने कईयों को धोखा दिया, उनके पी० ए० को भी धोका दिया। कौन पार्लियामेंट का मैम्बर ऐसा है जो कह सकता है मुझे किसी ने धोका नहीं दिया। तो यह उचित नहीं है कहना, और ये जो बातें कही जा रही हैं श्रीमन्, मेरा निवेदन यह है कि वे रिकार्ड में नहीं जाना चाहिए क्योंकि इससे बिना कारण एक तो हमारे सभा के जो कि हमारे सम्मान का स्थान है, सम्मान को हानि पहुँचेगी और एक निर्दोष व्यक्ति के साथ घोर अन्याय होगा।

श्री राजनारायण : अध्यक्ष महोदय, मैं निवेदन करता हूँ, दीक्षित जी गांधीवादी हैं . . .

MR. CHAIRMAN: Next question. Nothing will be taken down.

(Ends)

SHRI RAJNARAIN: (Continued speaking).

MR. CHAIRMAN: Dr. Mathew Kurian. Please put the next question.

SHRI BHUPESH GUPTA: This question is for the Prime Minister.

SHRI C.. SUBRAMANIAM: It has been transferred to me.

SHRI BHUPESH GUPTA: Not in our paper. Sir, on a point of order. This question was addressed to the Prime Minister and therefore the Prime Minister should answer this. CBI comes under the Prime Minister and therefore the question has been addressed to the Prime Minister. I know that Shri Subramaniam can answer. I am not questioning that . . .

DR. K. MATHEW KURIAN: This question should be answered by the Prime Minister. This is one of her rare visits to the Rajya Sabha.

SHRI BHUPESH GUPTA: Shri Subramaniam dealt with this at length the other day in this House. Why a repeat performance? Let us hear the Prime Minister this time.

MR. CHAIRMAN: Now, Mr. Bhupesh Gupta, Mr. Subramaniam will answer and the Prime Minister is hear and if she wants to intervene she can do so. Yes, Dr. Kurian, please put the question.

CBI Inquiries against Central Government Officers

*326. DR. K. MATHEW KURIAN:f

DR. Z. A. AHMAD: SHRI

BHUPESH GUPTA:

Will the Minister of INDUSTRIAL DEVELOPMENT AND SCIENCE AND

†The question was actually asked on the floor of the House by Dr. K. Mathew Kurian.

TECHNOLOGY be pleased to refer to the answer to Short Notice Question 2 given in the Rajya Sabha on 9th August, 1971 and state:

(a) whether Government have received the proceedings of the annual general meeting of the Indian Civil and Administrative Services (Central) Association held on February 25, 1973 and have taken note of the observations regarding certain C. B. I. inquiries contained therein namely, "Thirdly in the particular case of the officer concerned—Shri N. K. Seth, the CBI search has not brought forth anything incriminating at all, even then the Government did not make any amends to him despite the clear assurance of the then Cabinet Secretary, Shri T. Swaminathan that such amends would be made;

(b) whether it is a fact that after the CBI inquiry, Government came to the conclusion that there was no evidence in support of the allegations of a leakage on the notings on Government files against Shri N. K. Seth, that led to the search; and

(c) if so, what action Government have taken in the light of the observations made by the Indian Civil and Administrative Services (Central) Association and Government's own conclusions in the matter?

THE MINISTER OF INDUSTRIAL DEVELOPMENT AND SCIENCE AND TECHNOLOGY (SHRI C. SUBRAMANIAM: (a) and (c) The Government have not received a copy of the proceedings of the General Meeting of the Indian Civil and Administrative Services (Central) Association, held on February 25, 1973. However, in March 1972 and November 1973, the Association wrote to the Department of Personnel and Administrative Reforms raising certain issues regarding searches conducted by CBI at the residence of Officers. A suitable reply was sent by that Department to the Association on 28th December, 1973. The Department of Personnel have received a further letter dated 17-1-1974 on the same subject from the said Association and it is under examination. The Ministry of Industrial Development have also received representations dated March 25 and April 15, 1974 from Shri

N. K. Seth. His representations are also under examination.

(b) Yes, Sir.

DR. K. MATHEW KURIAN: Sir, the honourable Minister has given a very evasive and a non-committal type of reply. Sir, on the 25th April, the Minister for Industrial Development, Mr. Subramaniam, had slated in the Rajya Sabha that injustice had been done to the aggrieved officer and that the whole thing was unfortunate and it was unfortunate that his house was searched. I would like to know from the honourable Minister whether it is a fact that the officer had repeatedly protested to the effect that there was positive evidence to show that the file was not with him at the time of the leakage. Also, Sir, I would like to know whether this crucial question and the fact in the light of the officer's representation had been examined that is, whether the Government had noted the fact that the evidence of notings on the file and the photostat copies thereof as well as other circumstantial evidence would prove that the file could not possibly be in the possession of the officer when the leakage took place.

SHRI C. SUBRAMANIAM: No, Sir, This is wrong. The file during the relevant period was with this officer also. But there was nothing to show that he used this opportunity to take photostat copies and it was also found that there was no opportunity for him to take such photostat copies and publicise them. That is why it has been held that he is not involved in this thing and he has been exonerated as far as that thing is concerned and, therefore, there was no question of any evasion or any such thing in answering this question.

DR. K. MATHEW KURIAN: Sir, my second question is this: I would like to know from the honourable Minister whether in the Confidential Report notings were made by Shri B. B. Lai and Shri R. V. Subramaniam and Shri B. B. Lai, who wrote the Confidential Report against this particular officer, Mr. Seth, was himself the person who tried to oblige M/s Mohan Meakin Breweries Ltd., by allowing the illegal expansion of the capacity. I

would like to know whether it was this officer who was in collusion with M/s Mohan Meakin Breweries Ltd. and it was M/s Mohan Meakin Breweries Ltd. who made the complaint to the Government and on that basis, on the basis of this complaint, the officer was victimised and the same officer, Shri B. B. Lai, who was in collusion with M/s Mohan Meakin Breweries Ltd., had to write the Confidential Report. I would like to know whether this is true or not.

SHRI C. SUBRAMANIAM: Sir, Mr. B. B. Lai was the Secretary of the Ministry of Industrial Development during this time and it is wrong to say that he had recommended the expansion of M/s Mohan Meakin Breweries Ltd. On the other hand, he had said that this should go before the Licencing Committee for consideration. That is all what he had noted and that the Licencing Committee should take a decision on that. Ultimately—I assure the honourable Members are aware of this because I mentioned it in this House—that expansion application was rejected and I am sure the honourable Members are aware of it.

DR. K. MATHEW KURIAN: Who made that complaint?

SHRI C. SUBRAMANIAM: Pardon?

DR. K. MATHEW KURIAN: Who made the complaint? Is it true that M/s Mohan Meakin Breweries had made this complaint and the officer had to be victimised?

SHRI C. SUBRAMANIAM: Sir, it is a fact that the photostat copies of the notings on the files belonging to the Ministry of Industrial Development were exhibited in a Press conference by one of the honourable Members of the other House and also it was published in "The Current". Therefore, the fact was that somebody had taken photostat copies of the notings on the files and the confidential parts of the files and this was against the Official Secrets Act. Therefore, the matter was referred to the CBI for an inquiry, not against any particular officer. But this fact was referred to the CBI for an inquiry and the CBI made the inquiry and it was unfortunate that during the inquiry they thought

it necessary to search the house of Mr. N. K. Seth. But nothing incriminating was found . . .

DR. K. MATHEW KURIAN: Why only this particular officer . . .

MR. CHAIRMAN: Now, please sit down . . .

SHRI C. SUBRAMANIAM: I am not going into . . .

{hilt'rritptions}.

MR. CHAIRMAN: Please sit down.

SHRI C. SUBRAMANIAM: I can very well understand the hon. Member's question. But the CBI was in charge of the inquiry and during the investigation they thought that it was necessary to search the house of this officer. But I am not going into the justification or otherwise of this.

DR. Z. A. AHMAD: I would like to know, Sir, as to who made the allegation against this officer, and why most of the remarks made against him were expunged by the Government but some remarks were left there in the file. This matter should be clarified. And my demand would be that proper justice should be done in this case. The Prime Minister should look into the matter. That's all.

SHRI C. SUBRAMANIAM: I thought that I dealt with this matter exhaustively when Mr. Bhupesh Gupta raised this matter in Half-an-Hour discussion—which went on for an hour and a half, if I remember rightly. I dealt with this exhaustively in this House, and I explained, Sir, that no complaint was made against this officer as such. Just now I said, Sir, that a complaint was lodged that photostat copies of certain portions of the file have been taken and exhibited. Therefore, this fact should be inquired into by the CBI. That is the allegation made. No specific allegation was made against this officer as such, but the C.B.I., during the course of this inquiry found sufficient material. But I won't go into that. They thought it necessary to search the house of this officer. But nothing incriminating was found as far as this offence was concerned. And,

therefore, ultimately the Government exonerated the officer. This is a fact. Whether the CBI was justified in searching the house, I am not in a position to go into that fact now, otherwise we should have to make an inquiry against the CBI for the manner of conducting the inquiry. I do not know where it would lead to.

Secondly, with regard to the remarks made in his confidential file, Shri Seth made a representation against those remarks, because those were communicated to him. By that time I had taken charge of the Ministry. I referred the matter to the Cabinet Secretary to find out whether those remarks were justified, particularly in view of the exoneration of the officer. And on the recommendation of the Cabinet Secretary I had expunged the remarks which were not justified. But there was one sentence there, with regard to which the Cabinet Secretary also came to the conclusion that we are not justified in removing that sentence. Therefore, it was kept. Against this he made another appeal. It was an appeal against my order. Therefore, I sent it to the Personnel Department, and it was put before the Appointments Committee, in which the Prime Minister and the Finance Minister also participate, and they also came to the conclusion that this particular remark need not be expunged, and the President passed orders on that basis. Therefore, I said on the floor of this House the other day that it was sent to the highest level and it was decided on that basis. Again, the officer has made another representation with regard to this, and with regard to that I have already told the hon. Member that it is under consideration of the Ministry,

SHRI BHUPESH GUPTA: Sir, the question was addressed to the Prime Minister. I would still request the Prime Minister . . .

(Interruptions) MR.

CHAIRMAN: Put your question.

SHRI BHUPESH GUPTA: My question is whether the Prime Minister called for all the papers connected with this particular case, which would have shown that

entries in the Confidential Report were made by B. B. Lai, I.C.S., of the 'Land grab' fame, who was taking presents from Mohan Meakin, and Mr. R. V. Subramaniam, Additional Secretary, both having supported them. She would also have seen that the entries were mala fide. Has she examined the notings in the Confidential Report, which would have shown that the notings in the confidential report prior to the Mohan Meakin episode were favourable—when he was in the Ministry of Industrial Development. All these were ignored. And, I would like to know why the Prime Minister did not find out from the authorities concerned as to who made the allegation. Our report is that the allegation came from the Mohan Meakin Breweries which is why they ordered an investigation as such, and the instruments were that Mr. B. B. Lai and Mr. R. V. Subramaniam. Now, you may or may not agree with it but when this kind of demoralization takes place and the officers are intimidated—this is what the proceedings of the Indian Civil and Administrative Services Association would show—I should like to know whether the Prime Minister considered the advisability of herself going into the file by calling for that file and that officer and hearing as to what he has to say.

श्री भैरों सिंह शेखावत : श्रीमन्, मेरा एक व्यवस्था का प्रश्न है। मैं आपका ध्यान रुल 47 की ओर आकर्षित कराना चाहता हूँ, जिसमें इस प्रकार से लिखा हुआ है :-

"The right to ask a question is governed by the following conditions:—

..... it shall not repeat in substance questions already answered or to which an answer has been refused."

इसलिए मैं आप से निवेदन करना चाहता हूँ कि जब इस प्रश्न पर इसी सदन में हाल ही में आध घंटे का डिस्कशन हो चुका है और सदन के सदस्यगण इस प्रश्न पर बहस करने के लिए डेढ़ घंटे तक बैठे रहे, तो फिर उसी प्रश्न पर आज इस सदन का समय क्यों नष्ट किया जा रहा है ? अब

मैं आपसे निवेदन करना चाहता हूँ कि अब इस प्रश्न पर आगे सवाल एलाऊ न कीजिए और दूसरे प्रश्न पर चला जाय ।

SHRI C. SUBRAMANIAM: Sir, the other day also Mr. Bhupesh Gupta brought in the name of Mohan with regard to this, Mohan who is an aggrieved party as far as this incident is concerned, the incident where the photostat copies of the files belonging to a particular Ministry were exhibited in a Press conference. Therefore

SHRI BHUPESH GUPTA: On a point of explanation, Sir. I have not said that Mohan was an aggrieved party. Mr. Subramaniam, be fair to me. I said that Mohan was telling his friend that he would teach a lesson to the officer who dared to oppose that proposal for ...

श्री राजनारायण : श्रीमन्, हमारा एक पोयान्ट आफ आर्डर है । श्री भूपेश गुप्ता ने सीधे सीधे अपने क्वेश्चन के द्वारा कहा है कि प्रधान मंत्री कर्नल बी० आर० मोहन ... (व्यवधान)

MR. CHAIRMAN: There is no point of order.

श्री राजनारायण : वे प्रधान मंत्री से जवाब चाहते हैं कि प्रधान मंत्री ने बी० आर० मोहन ... (व्यवधान)

SHRI BHUPESH GUPTA: I did not say that. Thank you very much...

[Interruptions].

श्री राजनारायण : हम समझ रहे थे कि श्री भूपेश गुप्ता प्रधान मंत्री से जवाब चाहते हैं ।

SHRI BHUPESH GUPTA: This is your question. You do whatever you like. You do it, I don't object...

[Interruptions].

MR. CHAIRMAN : Mr. Rajnarain, (here is no point of order. Please sit down.

SHRI C. SUBRAMANIAM : I am glad Mr. Bhupesh Gupta has got very inconvenient friends also by his side. The point is this. I really do not know what Mohan

was going about saying, <and the hon. Member gives some information which may be correct or may not be correct and that is not relevant here. I don't think that the decision taken on the file by me or my predecessor or later on by the Prime Minister and the Finance Minister was influenced by any extraneous circumstances. We have gone into the merits of the case and we have decided. And I assure the hon. Members ...

SHRI BHUPESH GUPTA : I refuse to believe...

SHRI C. SUBRAMANIAM: Kindly wait •

(Interruptions)

DR. K. MATHEW KURIAN : How can the Industrial Development Minister answer a question...

MR. CHAIRMAN: Please, don't interrupt.

DR. K. MATHEW KURIAN: On a point of order. Sir. The question was whether the Prime Minister has examined all the papers. The Prime Minister should answer that.

SHRI RAJNARAIN : Yes, why not?

MR. CHAIRMAN : Please sit down. I have over-ruled that point of order.

श्री राजनारायण : अगर आप ओवर-रूल करते हैं, तो हम आपकी व्यवस्था का विरोध करेंगे ।

MR. CHAIRMAN: Please, don't interrupt like this. Please sit down.

श्री राजनारायण : श्रीमन्, मैं आपकी व्यवस्था के विरोध में बाहर जाता हूँ । प्रधान मंत्री को इस प्रश्न का जवाब देना चाहिये था ।

MR. CHAIRMAN : I am asking you to sit down.

श्री राजनारायण : मैं पुनः निवेदन कर दूँ कि आपकी व्यवस्था से प्रधान मंत्री बी० बी० लाल और बी० आर० मोहन की साजिश का पर्दाफाश नहीं होता, इसलिए मैं आपकी व्यवस्था

के विरोध में, जब तक यह प्रश्न चलेगा, सदन से वाक-झाड़ कर रहा हूँ।

MR. CHAIRMAN : You are obstructing the proceedings of this House.

(The hon. Member then left the House).

SHRI C. SUBRAMANIAM : I want to assure the hon. Members that now that two more petitions are pending. I shall certainly place all the papers before the Prime Minister and let her have a look into them. I am sure, whatever justice will have to be done for the officer will be done. We shall look into it and, therefore, I do not think that the hon. Members need get unnecessarily excited over it.

MR. CHAIRMAN: Next question, Shri Kalyan Roy.

SHRI NIREN GHOSH : Sir, I want to put a question.

MR. CHAIRMAN: We have taken 35 minutes over two questions.

MR. NIREN GHOSH: Sir, I have to put a question.

MR. CHAIRMAN: I do not allow any more questions on this. Mr. Kalyan Roy, next question.

Violation of Foreign Exchange Regulation Act by Hindustan Aluminium Corporation

•327. SHRI KALYAN ROY :†

SHRI S. KUMARAN :

Will the PRIME MINISTER be pleased to refer to the reply to Unstarred Question 650 given in the Rajya Sabha on the 1st March, 1973 and state :

(a) whether the appeal filed by the Enforcement Directorate in the Supreme Court against the order of the Calcutta High Court in the matter of violation of Foreign Exchange Regulation Act by the Hindustan Aluminium Corporation has since been disposed of; and

(b) if so, what's the result thereof?

THE MINISTER OF STATE IN THE DEPARTMENT OF PERSONNEL (SHRI

†The question was actually asked on the floor of the House by Shri Kalyan Roy.

RAM NIWAS MIRDHA): (a) and (b) A statement is laid on the Table of the House.

Statement

(a) and (b) By a consent order, the Supreme Court directed, on 6th September, 1973, that the sealed boxes containing the seized documents be handed over, within a fortnight of the date of the said order, to the officers of the Court appointed for the purpose and should remain in the custody of such officers for a period of two months thereafter, within which the Directorate of Enforcement could take over such of those documents as were required by it by serving notices under section 19(2), 19E or 19F of the Foreign Exchange Regulation Act, 1947. The Court further directed that the documents which were not taken over by the Enforcement Directorate, be returned to the party on the expiry of the aforesaid period of two months. Consequent upon this arrangement, the appeal of the Enforcement Directorate was disposed of.

2. In pursuance of the aforesaid arrangement, the Enforcement Directorate took over documents required for the purpose of investigation. The documents are under scrutiny; and in the light of the results of such scrutiny and further investigation that may have to be made, appropriate action will be taken in accordance with the relevant law.

SHRI KALYAN ROY : Sir, I think that it is better that we pull up the Directorate of Enforcement instead of merely plugging the loopholes as this Department is not able to enforce the Foreign Exchange Regulations Act effectively. The Government in this Department is weak and vacillating. And, do you know who are involved? The parties involved are the Shaw Wallace, the Birlas, the Goenkas, the Bangurs and Aminchand Pyarelals. The whole thing is so scandalous.

MR. CHAIRMAN: Are you going to put the question?

SHRI KALYAN ROY: Sir, I want to know if it is not a fact that so far in no case penalty amounting to three times of the foreign exchange involved has been imposed. I want to know who are the people involved in this particular case and