

## LOK SABHA DEBATES

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### LOK SABHA

Wednesday November 23, 1977/Agrahayana 2, 1899 (Saka)

The Lok Sabha met at Eleven of the Clock

[Mr. SPEAKER in the Chair]

#### RESOLUTION RE. LOSS OF LIFE AND PROPERTY IN RECENT CYCLONES IN KERALA AND LAKSHADWEEP

MR. SPEAKER: Before we commence the work, I would like to place before the House the following Resolution:

"The House expresses its deep sense of sorrow at the serious loss of life and property suffered by the people in the State of Kerala and Union Territory of Lakshadweep on account of the recent cyclones and expresses its deep-felt sympathy with the members of the bereaved families."

*The Resolution was agreed to.*

MR. SPEAKER: Members may please stand in silence for a while.

*The Members then stood in silence for a short while*

#### OBITUARY REFERENCE

MR. SPEAKER: I have to inform the House of the sad demise of one of our former colleagues, Shri Bal Krishna Singh, who was a Member of the Third Lok Sabha during the years 1962-67 representing Chandauli constituency of Uttar Pradesh.

Before his election to Lok Sabha in 1962, Shri Singh was closely associated with the District Board and later on 2559 LS-1.

Zila Parishad, Varanasi and served on those bodies in various capacities with distinction. A devoted social worker, himself a farmer, he championed the cause of the farmers and worked tirelessly for their upliftment. He took active part in the co-operative movement and cane unions. A man of very amiable disposition, he was very popular with his friends and colleagues. He was also keenly interested in educational activities and he founded a very big educational institution of which he was a Manager.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

The House may stand in silence for a short while to express its sorrow.

*The Members then stood in silence for a short while*

#### ORAL ANSWERS TO QUESTIONS

##### Arrest of Senior Civil Servants

\*121. PROF P. G. MAVALANKAR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the C.B.I. have charge-sheeted and/or arrested senior civil servants including Sarvashri Aggarwal and Vohra during the months of September, October, November, 1977;

(b) if so, full facts thereof.

(c) whether the said arrests or otherwise were made on the strength of a warrant in each case and whether the person concerned was allowed bail.

(d) if so, full details thereof;

(e) if not, why not; and

(f) whether it is a fact that Mr. Vohra, erstwhile Secretary of the Petroleum Ministry, was forced, on release on bail, to walk back home?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. D. PATIL): (a) to (f). A statement is laid on the Table of the House.

**Statement**

(a) During the period referred to in part (a) of the Question, two senior civil servants, namely, Shri S. M. Aggarwal and Shri B. B. Vohra, were arrested by the CBI in connection with investigation of cases under Prevention of Corruption Act.

(b) (1) The main allegations against Shri S. M. Aggarwal are—

- (i) that he abused his official position to show favour to a foreign firm in the matter of award of contract for installation of telephone exchanges inter alia by disclosing to this firm the vital information relating to the offer of another competing firm;
- (ii) that he abused his official position as Joint Secretary in the Department of Electronics to manoeuvre through misrepresentation of facts, issue of an order for repatriation of foreign exchange to USA by a party in India; and
- (iii) that he is in possession of assets which are disproportionate to his known sources of income.

(2) Shri B. B. Vohra is involved in a case along with the former Prime Minister and the former Minister of Petroleum in which they are alleged to have abused their official position and conspired to cause undue pecuniary advantage to a foreign firm in the matter of award of a Consultancy Service Contract causing a loss of nearly Rs. 11 crores to the ONGC.

(c) to (e). The arrests were not made on the strength of Court warrants; they were released on bail shortly after arrest. The offences under investigation against these officers being cognisable and non-bailable; the Investigating Officers were competent, under Section 41(1)(a) of the Criminal Procedure Code, 1973, to arrest them without an order from a Magistrate and without a warrant.

(f) No, Sir.

PROF. P. G. MAVALANKAR: From the long statement given by the Minister in answer to my various questions, a number of facts are still not known to this House and to this country. Is it a fact that throughout the history of 30 years of our freedom, this is the first time that senior civil servants at this level have been arrested; and they were arrested without any adverse record against them; and whether it is a fact further that even before independence, the then British Government did not arrest any such highly-placed civil servants, who in a way are part of the policy-making apparatus of the Government, without proper charges? Further, may I know whether it is a fact that these two officers concerned—and the answer is that no other officers have been arrested in such a manner—viz Shri Aggarwal and Shri B. B. Vohra—were not given any previous intimation about the grave charges against them, and that they were abruptly, suddenly and dramatically arrested, one in the office and another at his home; and whether all this has led to a definite and certain demoralizing of the entire Civil Services, not only at the Central Government level, but in the State governments as well?

SHRI S. D. PATIL: The two officers were arrested only when we had credible information in our possession. It is not true that we arrested them hurriedly, or without any reasons.

MR. SPEAKER: He has put another question whether they were informed earlier.

**SHRI S. D. PATIL:** The statement of these two officers has been recorded. Preliminary enquiries were made in this regard; and after ascertaining the truth or otherwise of the matter under enquiry, we had proceeded against them.

**PROF. P. G. MAVALANKAR:** Sir, before the Secretaries need the concerned protection of the law, I need your protection to get an answer. I asked a specific question whether these two officers were given any advance intimation through any communication that they were at fault. Sir, my understanding of the Civil Service procedure is that when a civil servant is arrested on this kind of charge, or charge-sheeted, he is given notice in advance. But, in this case, nothing has been done and all that procedure has been dispensed with. I want to know from the Minister why is it that they took this extraordinary course of not giving any advance intimation whatsoever, and suddenly and dramatically their arrest on these charges, as mentioned in the statement, has taken place.

**THE PRIME MINISTER (SHRI MORARJI DESAI):** I agree that this is an important matter. When their statements have been recorded, and if steps are to be taken against officers, then there was no question of giving previous intimation as to when they were to be arrested. I do not know why it is necessary. Why should it have a demoralising effect on other people? If it is wrong or if it is done frivolously, then it is a different matter. But, I am sure, it was not done in that way.

**PROF. P. G. MAVALANKAR:** Will he reply to the other parts of the question?

**MR. SPEAKER:** What are the other parts?

**PROF. P. G. MAVALANKAR:** Are there any other instances of this kind during the 30 years of independence, or even before independence, where civil servants were arrested in this manner?

**SHRI S. D. PATIL:** It is too general a question to be answered.

**PROF. P. G. MAVALANKAR:** I am asking a specific question. Is this the first time that such arrests were made during the last 30 years or even during the British time?

**THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH):** There is no question of a tradition in these matters. If a thing has not been done previously, it does not follow that it cannot be done today. And it must be remembered that corruption had never reached these levels at any time, even during the British days, as it had reached during the emergency days of the Indira Government.

**PROF. P. G. MAVALANKAR:** Is it not a fact that the senior civil servants, by the very nature of things, because they are permanent and anonymous, can have recourse only to the Home Minister? Although normally they could have gone to the Home Minister, Shri Charan Singh for the redressal of their grievances, in this case it so happens that the Home Minister himself has become the prosecutor, instead of being the protector of civil service.

**MR. SPEAKER:** We are still in the stage prior to prosecution.

**PROF. P. G. MAVALANKAR:** The Home Minister has been responsible for charge-sheeting them through the CBI. I believe this is something unprecedented and this is the first time it has happened. I am not suggesting that we must protect the guilty. Here I am one with the Government. I am on the procedure of dispensing justice, more so, when the Janata Government rightly believes, according to me, in the rule of law. That is why I am keen in this matter. The Home Minister has said that it is unprecedented and the CBI had no precedents of arresting such high-placed civil servants without any warrant. I repeat that I am not at all interested in protecting any guilty officer; I am

interested in the rule of law; and my point is that everybody must be protected by the rule of law. Is it not a fact that in this case the CBI had no precedent of arresting anyone? Therefore, perhaps this was done at the initiative of the Home Minister. Am I right in believing this? I want information on this point.

**SHRI MORARJI DESAI:** These officers have seen me after that and I have told them that I will look into these cases.

**SHRI RAGUVALU MOHANARANGAM:** I want to know what action has been taken by the Government of India so far on the Sarkaria Commission's report, which was submitted two months ago. Why was it not laid on the Table?

**MR. SPEAKER:** That does not arise.

**SHRI RAGUVALU MOHANARANGAM:** This is a very important issue and the CBI is concerned with it.

**MR. SPEAKER:** I am not calling upon him to answer it.

**SHRI RAGUVALU MOHANARANGAM:** This is a very important issue affecting 4½ crores of people of Tamil Nadu.

**MR. SPEAKER:** You cannot sail on somebody else's boat. You put a question of your own.

**SHRI RAGUVALU MOHANARANGAM:** The Minister is there, he is prepared to give an answer. I seek your protection.

**MR. SPEAKER:** Shri Jagannath Rao,

**SHRI JAGANNATH RAO:** May I know the name of the foreign firm to which Mr. S. M. Agarwal is alleged to have disclosed valuable information in the matter of supply of telephone equipment, and the year when it was given?

**SHRI CHARAN SINGH:** At this moment I do not have the name. For that, notice will be required. Nor do I think it necessary to give the name of the firm.

**SHRI VAYALAR RAVI:** Why not? They have arrested two officers. Why make a political gimmick? It is a relevant question. When the Home Minister issued orders to the CBI to arrest them, he must give the name of the firm. Why not?

**SHRI CHARAN SINGH:** The details of the investigation cannot be disclosed on the floor of the House. All these matters will be debated before the court. It is the CBI which, after making confidential enquiries and registering a preliminary enquiry report, reached the conclusion that *prima facie* there was a case against this officer, and so an F.I.R. was registered against him, and further investigation is going on.

**श्री श्यामानन्दन मिश्र :** क्या गृह मंत्री यह बताने की कृपा करेंगे कि यह धारणा जो लोगों में बंध रही है कि बड़े उद्योगपतियों के, जिनके खिलाफ चार्जज है और बड़े उच्च अधिकारियों के खिलाफ जो चार्जज है, दोनों के साथ बर्ताव में फर्क किया जा रहा है। यानी यह हा जाता है कि कुछ बड़े उद्योगपतियों के पर्सोर्टेड इमपाउन्ड किन्हे गये थे फिर भी उन बाहर जाने की इजाजत दी गई और इमी बीच में उनके खिलाफ वारन्ट हुआ और वह यहाँ गिरफ्तार नहीं हो पाये और जब वह वहाँ से लौटकर आते हैं तो उनको यहाँ गिरफ्तार नहीं किया गया और उनको ऐन्टिसिपेटरी बेल के तहत छोड़ देने की बात आयी। बात तो यह होनी चाहिये...

**MR. SPEAKER:** How does it arise?

**SHRI SHYAMANANDAN MISHRA:** I want to know whether any discrimination has been exercised in the matter of the treatment of business-

men or industrialists on the one hand and high Government officials on the other. Now, there are instances which are being quoted, and it must be scotched effectively by the Government. Some businessmen, whose passports were impounded and who were not allowed to go earlier, were allowed to go just on the eve of their arrest here, and they were able to get out of the country. When they arrived here, they were not confronted with a warrant of arrest, and they were enlarged on bail granted by some court.

**MR. SPEAKER:** You know more than I that the question is a very limited one.

**SHRI SHYAMNANDAN MISHRA:** I have not gone into many things which Mr. Mavalankar has done. I am only asking whether any discrimination has been made in favour of the industrialists faced with similar charges and if this impression is correct, whether Government take the trouble of effectively contradicting it.

**SHRI CHARAN SINGH:** There can possibly be or there are, in fact, two cases to which the hon. gentleman referred or is referring. In one case, the passport of an industrialist had been impounded and he was, later on, allowed to go after that order of impounding had been modified. He had appealed and assured the Government that he would come back. After great consideration he was allowed to go. Rules allow it. He had pleaded his case that he had such and such business in the foreign countries and that he would come back. He has already come back. (*Interruptions*) The question is comprehensive although this case is not in the mind of my hon. friend. The case which is in the mind of my hon. friend is of an industrialist in whose case there was a proposal for impounding his passport. Actually, it has not been impounded. So, there is no case where a passport had been impounded and he was allowed to go. Only one man was allowed to go and that too

with the permission of the Government. So, there is no breach of the rules. So far as the arrest is concerned, he had secured an anticipatory bail.

**SHRI SHYAMNANDAN MISHRA:** He should have been confronted with the warrant of arrest but that was not done.

**SHRI CHARAN SINGH:** He had already secured an anticipatory bail on the 10th of October.

**SHRI SHYAMNANDAN MISHRA:** Is the Government expected to know from the newspapers that the anticipatory bail had been granted or should not the person concerned be confronted with a warrant of arrest and then know from him arrest the anticipatory bail had been granted?

**SHRI CHITTA BASU:** May I know whether the Minister is aware of the fact that a negotiating committee for the purpose of negotiating the consultancy service between the ONGC and CFP on the basis of the latest proposal made by the CFP, consisted of not only of Shri B. B. Vohra, but Shri G. Ramachandran, Secretary, Department of Expenditure, Ministry of Finance, Shri Manmohan Singh, Secretary, Department of Economic Affairs, Minister of Finance and Shri N. B. Prasad, Secretary, ONGC? May I also know whether the agreement as has been referred to in the FIR, was not the outcome of the responsibility of the entire team? Whether it is also not a fact that the negotiating team submitted a report and whether the Minister has scrutinised, examined the contents of the negotiating committee's report before and verified the contents of the FIR statement made by the CBI. I possess the report of the negotiating committee. If you allow me...

**MR. SPEAKER:** No, no. The matter is under investigation and it will not be proper to disclose the facts.

**SHRI C. M. STEPHEN:** I rise on a point of order. When you have allowed this Question, the supplementaries have naturally to follow. How can you prevent that? (Interruptions)

**MR. SPEAKER:** First of all, there can be no point of order during the Question Hour. Secondly, I am entitled to know from Mr. Stephen, having allowed the Question, how can I stop further supplementaries? The Question as such does not refer to the investigation part. When it came to the investigation part, I told the Minister, if it related to the investigation part; kindly don't disclose it, it is not proper.

**SHRI CHITTA BASU:** My Question was not to know anything about the investigation. I wanted to know whether a negotiating committee was set up and whether the outcome of the Agreement entered into was an outcome of the entire responsibility of the negotiating committee. Shri B. B. Vohra has been singled out from the other members of the negotiating committee. I wanted to know whether the Government will examine and scrutinise the report of the negotiating committee and ascertain the correctness of the FIR statement made in this behalf by the CBI. It has nothing to do with the investigation part.

**SHRI CHARAN SINGH:** The negotiating committee consisting of four officers was given the task only of negotiating with the CFP firm, the French firm, and nothing more. They brought down the offer of the CFP firm from 23 million dollars to 17.4 million dollars. After that, the Agreement was entered into. The responsibility for the Agreement lay on the heads of the Minister and the Ministry of Petroleum and Chemicals, not on the negotiating committee. That is why no member of the negotiating committee was arrested.

**श्रीमती चन्द्रावती :** मैं गृह मंत्री से जानना चाहती हूँ कि गिरफ्तारियाँ करते वक़्त क्या ऐसा कानून है कि सो कानून बड़े लोगों के बीच में कानून को इम्प्लीमेंट करते वक़्त इम्प्ली-

मेंटिंग एंवाइटी प्रलय प्रलय तरीके प्रख्यार करती है ?

**SHRI S. D. PATIL:** There is no such provision.

**श्रीमती चन्द्रावती :** प्रैक्टिस में ऐसा है कि एक बड़ी चोरी करता है उस को तो छोड़ देते हैं और एक छोटी चोरी करने वाले को पीट कर ले जाते हैं। तो मैं यह एम्प्योरेंस चाहती हूँ कि इस तरह की डिस्क्रीमिनेशन नहीं होगी। यह एम्प्योरेंस करवा दीजिए।

**श्री चरन सिंह :** कानून में कोई इम्तिया करने की जरूरत नहीं है चाहे एकपूज्ड किसी हैसियत का हो। लेकिन फिर भी जो अपसरान गिरफ्तारी करने जाते हैं उन की डिस्क्रीमिनेशन पर निर्भर करता है। बाकी कानून में सब के साथ एक सा ही व्यवहार करने की बात है।

**श्रीमती चन्द्रावती :** यह डिस्क्रीमिनेशन दूर करना चाहिए। इसे दूर करने का कोई सुझाव है ?

**MR. SPEAKER:** You have put your question; that is enough for the day.

**SHRI BEDABRATA BARUA:** I hold not brief for the officer concerned or anybody else. But, at the same time, this House is charged with the responsibility of laying down roles for the officials of the Government. Here the manner in which the thing has been done is extremely deplorable. The Police officer in his office wanted to see him; he thought he was a visitor. Then he said: 'I have warrant against him.'

(Interruptions)

**AN HON. MEMBER:** He had no warrant.

**SHRI BEDABRATA BARUA:** This is the way to demoralise the officials. This House must certainly stand up... That is why, I wanted to ask a question on this. In view of the rules and regulations, how will

a Government official discharge his duty properly in the due discharge of his duty when he is not given a proper opportunity? When it is a question of due discharge of duty, a Government official must first be allowed to explain. It is not a question of privileged position.

MR. SPEAKER: That question has already been put. If you have a new question, you can put it.

SHRI BEDABRATA BARUA: The question is that a Government official must be asked to show cause if he is found, on the investigations, that he is sufficiently responsible.

(Interruptions)

MR. SPEAKER: The Minister has said that there is no such rule.

SHRI BEDABRATA BARUA: I want to know whether that has been done.

MR. SPEAKER: The Minister has already said that it has not been done.

Recruitment of Officer in R. A. W.

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\*122. SHRI HUKAM CHAND  
KACHWAI:  
DR. BAPU KALDATY:

Will the PRIME MINISTER be pleased to state:

(a) whether a number of junior and senior officials from different Departments of various Ministries were recruited in the Research and Analysis Wing during emergency;

(b) if so, which were the main Departments from where they were recruited;

(c) whether they have been sent back to their original place of work after the end of emergency; if so, the number thereof; and

(d) how does the present staff strength of Research and Analysis Wing compare with its staff strength eight months ago?

THE PRIME MINISTER (SHRI MORARJI DESAI): (a) Recruitment during emergency was part of a continuing process and no special recruitment for the emergency was made.

(b) and (c). Do not arise.

(d) The staff strength of the Research and Analysis Wing has been under review and sizeable reductions have been made.

श्री हुकम चन्द कछवायः अध्यक्ष महोदय, मैं प्रधान मंत्री जी से जानना चाहता हूँ कि क्या यह बात सही है कि आपात्काल के समय में बहुत बड़ी संख्या में इन अनुसंधान विभागों के अन्दर से लोगों को हटा कर के कहीं और भेजा गया जिससे वे वहाँ लोगों से सम्पर्क कर सकें ? क्या इस काम के लिए उनका उपयोग किया गया ? क्या सरकार को इस बात की जानकारी है ?

श्री मोरारजी देसाई : मुझे तो ऐसी जानकारी नहीं है ।

श्री हुकम चन्द कछवायः क्या यह बात सही है कि वर्तमान सरकार जानबूझ कर तथ्यों को छिपाना चाहती है कि एमर्जेंसी के समय में इन लोगों का दुर्ूपयोग किया गया जिससे भूतपूर्व प्रधान मंत्री के प्रति जो लोगों की आस्था है वह कम न हो ? क्या एमर्जेंसी के दौरान भूतपूर्व प्रधान मंत्री ने अपने हितों की रक्षा के लिए अपनी मन मर्जी से काम नहीं किया ?

श्री मोरारजी देसाई : माननीय सदस्य मेरे ऊपर आरोप लगाते हैं, इसमें मुझे कोई सद्बुद्धि नहीं मालूम होती है ।

श्री रामानन्द तिवारी : मैं माननीय प्रधान मंत्री जी से यह जानना चाहता हूँ कि आपात् स्थिति में कुछ विभागों के अधिकारी और उनके नीचे काम कर रहे कर्मचारी जल्म नहीं करना चाहते थे, ऐसे जिन अधिकारियों और