

श्री सत्यदारायण जटिया (उज्जैन) :
आपका निर्णय अभिनंदनीय है :

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): I have already expressed my regret.

SHRI SOMNATH CHATTERJEE: You should have done it much earlier.

MR. SPEAKER: But you did not allow him.

14.03 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED SEEKING OF PREMATURE RETIREMENT BY THE DIRECTOR OF THE LAL BHADUR NATION ACADEMY OF ADMINISTRATION, MUSSOORIE.

SHRI M. M. LAWRENCE (Idukki): I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon:

"The reported seeking of premature retirement by the Director of the Lal Bahadur National Academy of Administration, Mussoorie in protest against Government's refusal to take secure action against an I.A.S. probationer charged with attempt to rape another I.A.S. probationer."

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): The Government shares the concern expressed by the Hon'ble members about the misbehaviour of one I.A.S. probationer with some probationers including lady probationers undergoing training at the Mussoorie Academy. The Government is conscious of higher standards of discipline, conduct and public behaviour expected of the civil servants

especially those belonging to higher echelons of the services. The press reports have highlighted certain aspects of this episode that had happened in the course of the trekking tour to Badri Nath-Valley of Flowers-Hemkunt-Kedar Nath. The allegations of rape or attempted rape by the I.A.S. probationer brought out in the press are not borne out by the report we have received from the Director of Academy. Neither the Deputy Commissioner has sent any report to the Academy nor any complaint was lodged with the police about the incident I have referred to.

According to the report of the Director of the Academy received by Government, while on a trekking tour of Badrinath-Valley of Flowers-Hemkunt-Kedarnath between 25th September and 3rd October, 1981 in which 40 probationers took part (Trekking Group No. 2), one IAS probationer committed gross misconduct in relation to his fellow probationers including some lady probationers on 1st October, 1981. This report is based on the enquiry conducted by a Deputy Director of the academy by taking the evidence of probationers who were on the spot. The report reveals that on the next day, i.e. 2nd October, 1981 the probationer apologised to his fellow probationers including the two lady probationers for his conduct on the previous evening. On the basis of this report, the Director recommended that the concerned probationer may be discharged from service under the relevant rules. Initially Government thought that a reformatory approach would be adequate. However, on a further review of all aspect of the case, Government have now decided that the probationer should be discharged under Section 12(b) of the IAS (Probation) Rules and this decision has been communicated to the Joint Director, incharge of the Academy. On 8th February, 1982, the Director sent a leave application asking for 457 days leave preparatory to voluntary retirement from service with effect from the afternoon of the 31st May,

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1983. Subsequently, the Director had modified his leave application and asked for 426 days leave commencing from the 2nd March, 1982, preparatory to voluntary retirement from service with effect from the afternoon of the 1st May, 1983. Accordingly, he has been permitted to relinquish charge of his office and proceed on leave.

SHRI M. M. LAWRENCE: Mr. Speaker, Sir, in the statement made by the hon. Minister of State to the Calling Attention, it has been stated that:

"The allegations of rape or attempted rape by the I.A.S. probationer brought out in the press are not borne out by the report we have received from the Director of Academy."

I further quote:

"However, on a further review of all aspects of the case, Government have now decided that the probationer should be discharged under Section 12(1) of the I.A.S. (Probation) Rules."

Sir, this House then has the right to know on what specific charge, the probationer has been discharged now. If it is appropriate to discharge Mr. V. K. Singh now, on the report received earlier, why the Home Ministry did not do it earlier?

It is very clear that there is something murky and fishy in dealing with the whole affair of the attempted rape incident. The Home Ministry cannot shirk its responsibility in dealing with this case by trying to save this unsocial man who is an IAS probationer...

It is reported in the papers that the colleagues of Mr. V. K. Singh numbering about forty have testified in writing about his attempt to rape by brandishing a loaded revolver at the lady's temple. How was such a person allowed to continue in the probation? In the I.A.S. (Probation)

Rule made in 1954, Rule 12(bb), it is specifically stated and I quote:

"If he is found lacking in qualities of mind and character needed for the Service or in the constructive outlook and human sympathy needed in the public services generally."

So, as per Rule 12 (bb) if he is not constructive in outlook and human sympathy he should be relieved.

Sir, Mr. V. K. Singh was a trainee in the National Defence Academy earlier. From there also he was expelled for misbehaviour finding that he was not fit to safeguard the country from the enemy. Then how was he found to be a person fit for civil service? Is that because this Government needs people like him to see the people as **enemy and** without any **constructive outlook and human sympathy**.

Sir, this Government maintains double standards in the matter of giving employment in the Central Government. Job seekers have to fill up a column testifying whether they have lived in the States of West Bengal and Kerala for more than one year. They go into the ideological antecedents of the applicants and deny employment on that basis and even retrench on that basis. But the same Government has no hesitation to shield anti-socials and criminals in high position even if the crimes have come to light undeniably.

Sir, in this incident the attitude of the Government has forced the Director of the Academy, Mr. P. S. Appu to resign his job in protest. Now in the statement it has been stated that he has been permitted to relinquish charge of his office and proceed on leave. It is just a jugglery of proceedings. It is just to allow one to hang himself. Sir, Government should immediately call back Mr. Appu who is a man of integrity and efficiency

thus honouring his straightforwardness, constructive outlook and human sympathy.

Sir, on 17th September, 1981 in her reply to the No-Confidence Motion the Prime Minister, Shrimati Indira Gandhi had said and I quote:

"Offences against women are really a shame on all of us. I am told that they are showing a decrease and that the law and order machinery is vigilant. But of course they still are occurring unfortunately. With the amendment of the Criminal Procedure Code, IPC and the Evidence Act, it is hoped that these will be under further control. This is an area in which public opinion is very important and the opinion of the neighbours."

Then further she has said:

"I do wish the House and the nation to know that my Government and my party will stand for the highest principles of conduct in public life and ensure that those principles and rectitude are not only followed by all those who are privileged to exercise power but also ensure that they seem to be followed."

Sir, this has been aptly said by the Prime Minister for our Home Minister and the officials of the Ministry. If our Prime Minister is sincere in her proclamations and statements then she should ask the Home Minister to resign immediately.

I strongly request the Home Minister, if he has an iota of shame, to resign immediately, and I ask for a full judicial enquiry into the matter, into the whole incident, including the part played by the officials of the Home Ministry, including the Home Minister. I thought that the Prime Minister would have come here and

be present here to give an explanation about this because many questions are arising out of this.

MR. SPEAKER: Please hurry up. You are taking long time.

SHRI M. M. LAWRENCE: Is it a fact that this IAS probationer, Mr. Singh, was first in the National Defence Academy at Khadakvasla? On what ground was he discharged from the NDA? Would the Minister place on the Table of the House the Academy's letter of discharge of Mr. V. K. Singh? How was this fact allowed to be suppressed when he entered IAS? What action does the Government propose to take against the probationer for suppressing his own background and against the police officials conniving by giving false verification reports regarding his antecedents? How many incidents were there involving this probationer since he entered the Academy? When he along with other probationers went on a trekking trip to Badrinath, a very famous place of worship, what has this man done? The ruling party members must lower their heads with shame. Was a case registered by the Police against him with regard to this incident? If so, under what circumstances was it suppressed? What was the role** in suppressing this case?

MR. SPEAKER: No names.

SHRI M. M. LAWRENCE: Is it a fact that 40 IAS probationers have given written statements in this case? Will the Government place on the Table of the House the report made by Mr. Alok Sinha, Deputy Director of the Academy, who enquired into this incident? Is it a fact that the girl probationer (against whom the delinquent officer made advances and who lost her modesty) lost her father recently who died of shock? (Interruption). I once again urge upon the Home Minister to resign immediately

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and conduct a thorough and full enquiry into this incident.

SHRI P. VENKATASUBBAIAH: Mr. Speaker, Sir, I have explained in the statement that has been made in the House... (*Interruptions*)... that there was a misbehaviour of this particular probationer against some other probationers... (*Interruptions*) Just I am coming to this point. Why are you agitated?

SHRI RATANSINH RAJDA (Bombay South) Just spell out the incident of misbehaviour.

SHRI P. VENKATASUBBAIAH: I am coming to that.

(*Interruptions*)

MR. SPEAKER: Let him speak. Otherwise how will he do it? Can there be a silent telepathic message?

(*Interruptions*)

SHRI K. P. UNNIKRISHNAN: That is why we had to intervene...

(*Interruptions*)

MR. SPEAKER: Let us hear him.

SHRI P. VENKATASUBBAIAH: Why don't you allow me to speak? (*Interruptions*)

The hon. Member asked me certain points with regard to this probationer. Number one—when this gentleman was there first in the National Defence Academy, what about his misconduct? (*Interruptions*)

MR. SPEAKER: Let us come to the point. One by one.

SHRI P. VENKATASUBBAIAH: From there he has been removed, dismissed; and why such a person has been taken? That is one point which I want to explain.

(*Interruptions*)

AN HON. MEMBER: Why was he expelled from there?

MR. SPEAKER: Why are you interrupting unnecessarily?

SHRI P. VENKATASUBBAIAH: Sir, according to the information we got from the Defence Academy, I may state that he has been discharged from the Defence Academy and discharge does not disqualify a person from employment with Government.

(*Interruptions*)

श्री नारायण चौबे (मिदनापुर) :

चुल्लू भर पानी में डूब मरना चाहिए ।

... (व्यवधान) ...

SHRI K. P. UNNIKRISHNAN: (Badagara): What do you mean by "discharge"? Please spell it out.

SHRI CHANDRAJIT YADAV (Azamgarh): Why discharge? (*Interruptions*).

MR. SPEAKER: Let us hear him. You are jumping to conclusion and not allowing him to say anything.

(*Interruptions*)

आचार्य भगवान देव (अजमेर) :

अध्यक्ष जी,**

(व्यवधान) .. यह क्या ** है । जब मंत्री जी जवाब दे रहे हैं, तो इनको सुनना चाहिए ।

(व्यवधान)

MR. SPEAKER: Order order.

आचार्य भगवान देव : यह कोई तरीका है । (व्यवधान)

अध्यक्ष महोदय : आप दोनों बाहर क्यों नहीं चले जाते ।

... व्यवधान ...

MR. SPEAKER: Let us hear what he has to say.

आचार्य भगवान देव : जब इन्होंने अपना पक्ष रख लिया, तो मंत्री जी का

जवाब सुनें। उसके बाद जो कुछ कहना है, कह सकते हैं। गलत गलत है और सही सही है लेकिन यह कोई तरीका नहीं है कि बीच में खड़े हो गये।

... (व्यवधान) ...

श्री गारायण चौबे : इनको क्यों मिर्ची लग रही है। ... (व्यवधान) ...

श्री आचार्य भगवान देव : मुझे चौबे जी से यह कहना है कि इनको जो कुछ कहना है, बाद में भी पूछ सकते हैं।

अध्यक्ष महोदय : ठीक बात है।

श्री आचार्य भगवान देव : ये खड़े होकर **करना शुरू कर देते हैं। ... (व्यवधान) ...

अध्यक्ष महोदय : जो ** शब्द, श्री सत्यसाधन चक्रवर्ती ने कहा और इन्होंने कहा, ये दोनों शब्द कार्यवाही से निकाल दो। बात यह है ... (व्यवधान) ... मेरी बात सुनिए, श्री अमर राय प्रधान बड़े तेज हो जाते हैं। आप शान्ति से क्यों नहीं बैठ सकते। थोड़ा शान्त रहिए और इनकी बात को सुन लीजिए। कोई बात होगी तो दोबारा आ जाएगी। ये कहां जा रहे हैं और आप कहां जा रहे हैं। मैं भी यहां बैठा हुआ हूँ। आप बेफिक्र रहिए। जेंट अस हिथर व्हाट ही सेज। जब तक कहने का मौका नहीं देंगे। तो गलती क्या है, कैसे पता चलेगी। ... (व्यवधान) ...

श्री कृष्ण कुमार गोयल (कोटा) : किसी का दामाद है, किसी का साला है और किसी का लड़का है ... (व्यवधान) ...

अध्यक्ष महोदय : किसी का कुछ हो।

I am not concerned with 'Damad' or 'sala'. I am concerned with only the fact.

SHRI SUDHIR GIRI (Contai): Sir, you are expunging the word** used by Prof. Chakraborty. But the same word was also used by the Prime Minister in her reply recently.

SHRI SATYASADHAN CHAKRABORTY: The word** I have used you say, is unparliamentary. If the same word which was used by the Prime Minister was not unparliamentary, why should it be unparliamentary when I used it? How can you expunge it?

अध्यक्ष महोदय : किस को टैक्स्ट में कहां यूज हुआ है, मैं देख कर कर दूंगा। I will look into it.

SHRI SATYASADHAN CHAKRABORTY: Here you are differentiating between a Member and the Prime Minister.

(Interruptions)

अध्यक्ष महोदय : यहां तो सारे के सारे साथी बराबर होते हैं, यहां उसकी कोई चिन्ता नहीं होती है।

It is not according to the status. It is according to the rules. That is what is done here.

SHRI P. VENKATASUBBAIAH: I am sorry I stand corrected. I would like to tell the actual position that Mr. V. K. Singh was withdrawn from the Khadakvasla Academy and not discharged, on certain disciplinary grounds.

SHRI NARAYAN CHOUBEY: What does it mean?

SHRI P. VENKATASUBBAIAH: Another matter on which the hon. Member has said is that the father of one of the probationers had died of heart attack. It is not correct. It is not at all correct.

SHRI NARAYAN CHOUBEY: What is the correct thing? (Interruptions)

MR. SPEAKER: That he did not die is the correct thing. That is what it means.

SHRI P. VENKATASUBBAIAH: It is not at all related to this case.

(Interruptions)

SHRI SUNIL MAITRA (Calcutta North East): He died! Did he die at all?

SHRI P. VENKATASUBBAIAH: No.

(Interruptions)

SHRI P. VENKATASUBBAIAH: I am in possession of all the facts. But it is impossible for me to reply to some of the points made out if there is a running commentary.

(Interruptions)

MR. SPEAKER: Order please. I will pass on to the next item without doing anything if you proceed like this. It is not fair. I do not like it.

SHRI P. VENKATASUBBAIAH: I will give the chronological facts of this case, which the hon. Member wanted me to tell the House.

On 25-9-1981, the trekking group No. 2 consisting of forty probationers including 8 ladies left on a trekking covering Mussoorie, Badrinath, Valley of Flowers, Hemkund, Kedarnath and Mussoorie. On 1-10-1981 at Badrinath Shri V. K. Singh had a heated argument with a lady probationer who was also the group treasurer when she was coming out of a restaurant in the presence of several probationers. Half an hour later, Shri V. K. Singh threatened another lady probationer in the corridor of the Dharamasala where the probationers were staying. Five probationers who were witnesses to the incident have also supported that this particular lady probationer had been threatened. Later on Shri V. K. Singh entered the room in Dharamasala where 9 male probationers were staying. He threatened them particularly their group leader by brandishing a fire

arm. The trekking group began its return journey on 2-10-1981, and they came back to the Academy in Mussoorie on 3-10-1981.

Then on 4-10-1981, the Course Director, Shri S. H. Mohan, happened to hear of the incident of misbehaviour, and the facts of misbehaviour were brought to the notice of the Director, who thereby ordered Shri Alok Sinha, Deputy Director, to conduct a detailed enquiry into the matter. However, that detailed enquiry could not be conducted immediately, as the probationers were away for Dussera holidays. The enquiry commenced on 14-10-1981, and particularly four charges appeared against Shri V. K. Singh. Then on 15-10-1981, Shri V. K. Singh appeared in the Academy briefly and then left abruptly without permission. When the enquiry started, eighteen probationers filed their statements. Again on 16-10-1981, five probationers filed their statements. On 17-10-1981, the Academy received a telegram from him from New Delhi for leave. Three more probationers also filed their statements.

On 18-10-1981, Shri K. Alladin, group leader, filed his statement. On 19-10-1981, Shri V. K. Singh returned to the Academy and on that day one more probationer also filed his statement. Shri V. K. Singh was also advised to give his own statement, but he pleaded for time. On 20-10-1981, his room was also searched, but no weapon was found. On that day, one more probationer also filed his statement. On 21-10-1981, Shri V. K. Singh left the Academy premises and his leave was upto 5-11-1981.

On 24-10-1981, the Deputy Director gave his report on the incidents to the Director substantiating three charges out of four. The Director, with his D. o. letter, forward the enquiry report and his recommendation that he should be discharged from service, under the Indian Service Probationers' Rule, 1954 was received by the Government.

In none of the reports that have been made by the enquiry authority, it was mentioned that there was any attempt made to rape or any attempt in that direction. Then, it was thought....

AN HON. MEMBER: When was that D. o. received?

SHRI P. VENKATASUBBAIAH: The Director sent his D. o. letter on 28-10-1981 with the report etc. and it was received on the 29th October, 1981... (Interruptions)

The letter from the Director had been received here in our Office on 28-12-1981.

And even in that report no such mention has been made about the rape or the attempted rape.

Then the Government, after considering all aspects of the matter, thought that a reformatory attitude which can make him behave properly would meet the ends of justice. But in view of the entire facts of the case and also as I have clearly stated that this is a service for administering the various units of the country and that the highest standard of rectitude as well as character should be kept, the Government has taken a decision to see that he is discharged. These are the facts of the case.

I may tell you in this connection that the statements of the two lady members have also been recorded.

Nowhere have they said that this particular probationer had attempted to rape them or do anything in that connection. After taking into consideration all the factors, the Director, Shri Alok Sinha who was in charge of conducting the inquiry, had sent this report and the report was sent to us by the Director who had asked them to conduct the inquiry.

Sir, the action has been taken under the Probationers' Rule No. 12(b). And I quote:

"If the Central Government is satisfied that the probationer was ineligible for recruitment to the Service or is unsuitable for being a Member of the Service,..."

So we found him to be unsuitable for being a Member of the Service. That is why he has been discharged.

SHRI M. M. LAWRENCE: Sir, the Minister has not answered my questions. He is evading.

MR. SPEAKER: Mr. Lawrence, may I tell you that under Rule 197(b) there shall be no debate on such a Statement at the time it is made, but each Member in whose name the item stands in the List of Business, may, with the permission of the Chair, ask a question? And you catalogued them 7 or 8. This is quite enough. So, now I ask Mr. George.

SHRI M. M. LAWRENCE: Sir, he has not replied to my question. Ask him to reply my question.

(Interruptions)

MR. SPEAKER: Mr. George will ask. You cannot.

MR. GEORGE FERNANDES (Muzaffarpur): Sir, I hope you will get the Minister to reply to the question which I will be putting, because I do agree with my Hon. colleague, Mr. Lawrence that the Minister has avoided to answer the very pointed and specific questions that were directed at him.

Sir, I will like to start by congratulating Mr. Appu. He is one of the finest officers of the Indian Administrative Service. It is indeed a pity that this fine Officer was sacrificed by the Home Minister in preference to a delinquent.

(Interruptions)

Earlier during the Session, while initiating the debate on the Motion of Thanks to the President's Address, our most respected Member, the Deputy leader of the Congress(I) in the House, Prof. Ranga, spoke with very great

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eloquence about the Civil Service, about the morale of the Civil Service and all the things that one must say about the Civil Service and do towards the Civil Service. I wonder whether Prof. Ranga at that time was aware of what had happened in Mussoorie and perhaps that was the reason why he was giving expression to the anguish in regard to the problems which at least some Members of the Civil Service...

(Interruptions)

SHRI HARIKESH BAHADUR: He will speak. You cannot just interrupt like this.

(Interruptions)

MR. SPEAKER: What is happening? It is not a new thing. I am not allowing any new precedent. I know my job.

SHRI GEORGE FERNANDES: Sir, I will not go to the facts of the case, as the Minister has now stated, nor will I repeat what has appeared in the newspapers, because newspapers have done a good job in presenting the facts, including the extracts of the correspondence that has taken place between the Government and the Director of the Institute, Mr. Appu.

But, Sir, there are certain questions that arise, firstly, out of the Statement which the Minister has made, and secondly, from the suppression of certain facts, which the Minister has chosen to do. For instance, I would like to repeat what my colleague, Mr. Lawrence pointed out and ask a very pointed question in regard to the Statement before I come to the other aspects of this matter. He says: Initially the Government thought that a reformatory approach would be adequate. However, on further review of all aspects of the case, the Government have now decided that the Probationer should be discharged, etc.

Now, what was the basis on which you took your earlier decision that a reformatory attitude was enough. And in that context, I would like to ask a very very pointed question to the Minister. Is it or is it not true that the Personal Secretary, not once, but twice put up notes to the Home Minister that the man must be sacked? And is it or is it not true that the Home Minister not once, but twice over-ruled the Personal Secretary with a note saying that the man shall be sacked. He must be allowed to reform. And if these are facts, then I would like to know what is the new consideration that has now come? What is this further review of all aspects of the case? If any review is to be made, that review is to be made of the noting of the Home Minister and not the review of Mr. Appu's note. A review has to be made of the decision which the Home Minister took.

As far as the facts of the case are concerned and as far as Mr. V. K. Singh is concerned, those facts are known. But we want to know what is it that the Home Minister has come to a certain view earlier and what is it that made him to change his view, because a lot of things are said about this case. People say that the Father-in-law of Mr. V. K. Singh was going about saying that I have fixed everything I have a friend in the Cabinet and I have fixed everything. He is very freely taking the name of...**

(Interruptions)**

SHRI GEORGE FERNANDES: Sir, I hope you will afford an opportunity** to clarify his position so that all these things...

(Interruptions)

MR. SPEAKER: Why can't you remain silent?

SHRI GEORGE FERNANDES: Mr. Appu has given a written statement. (Interruptions) that Mr. V. K. Singh..

MR. SPEAKER: Please sit down.

SHRI GEORGE FERNANDES: Mr. Appu has made a written statement in his letter in which he has withdrawn himself from the Administrative Service that this gentleman.... (Interruptions) I am not making a charge. Why don't you understand? ** (Interruptions)

MR. SPEAKER: Please sit down.
 (Interruptions)

MR. SPEAKER: Why should you drag his name?

SHRI GEORGE FERNANDES: Mr. Appu has said in his letter that this Mr. V. K. Singh....
 (Interruptions) **

MR. SPEAKER: No; nothing doing. Not going on record.

SHRI GEORGE FERNANDES: Mr. V. K. Singh has spent three weeks here in Delhi, and he has been saying that he moved the powers that be, that he had people of influence, and that these people were finally instrumental in making the Home Minister overrule his own Secretary (Personnel). Some one has to explain why it happened.

MR. SPEAKER: That point has been made.

SHRI GEORGE FERNANDES: Someone has to explain—let the Home Minister

MR. SPEAKER: Why? It is the Home Minister.

SHRI GEORGE FERNANDES: Then there is another aspect of Mr. V. K. Singh, which I find the Minister is now trying to suppress. He came up with a very facile explanation that this gentleman, Mr. V. K. Singh.... (Interruptions) was withdrawn from the National Defence Academy. Is it, or is it not a fact that the National Defence Academy, in its letter to the Director of the Mussoorie Institute, viz. Mr. Appu said—and I quote:

“V. K. Singh, son of K. N. Singh, who joined the Academy on July 26, 1968 was withdrawn from the Academy on April 7, 1971 on disciplinary grounds.”

It was not that he was withdrawn. This is different. (Interruptions) One may withdraw one's word from a college or a school or Academy because one does not like the institution. Here it was not withdrawal because the father of Mr. V. K. Singh did not like the National Defence Academy. He was withdrawn because of disciplinary grounds.

MR. SPEAKER: Was he withdrawn?

SHRI GEORGE FERNANDES: Yes; he was withdrawn.

MR. SPEAKER: How do you withdraw?

SHRI K. P. UNNIKRISHNAN: The Minister says that he was withdrawn.

MR. SPEAKER: Either it is a rustication or expulsion or withdrawal.
 (Interruptions)

MR. SPEAKER: What are you reading from?

SHRI GEORGE FERNANDES: I was reading from a quote from the National Defence Academy letter of December 19....

MR. SPEAKER: In which it is said that he is withdrawn?

SHRI GEORGE FERNANDES: On disciplinary grounds. I would request that all documents pertaining to this gentleman... (Interruptions) The next question that I want to ask the hon. Minister is this—because he said in his statement that he goes under 12(b). But I would like to know from the Minister whether Mr. V. K. Singh is an employee of the Government of India in the Ministry of External Affairs, in Foreign Service, Grade 'B' (Interruptions) or he was not an employee. Is it or is it not true that it

[Shri George Fernandes]

is from Foreign Service 'B' (Interruptions) that this man was sent to the Mussoorie Academy? What was the basis of his selection? He was a Government employee, and from Government service, this man gets selected, to go to the Academy where he is now being groomed, or he was being groomed at least till this order was issued, to join the Indian Administrative Service. How did he come to be recruited, in the first place, after he was rusticated from the National Defence Academy?

SHRI SOMNATH CHATTERJEE (Jadavpur): The whole thing is stinking.

SHRI GEORGE FERNANDES: What are the guidelines that you have in regard to recruitment? Don't you make investigations before you recruit people? Did you, or did you not have a report from the National Defence Academy?

MR. SPEAKER: Sum up, please.

SHRI GEORGE FERNANDES: To me, these are some of the issues which come out of this incident; and I would like, therefore, now the Minister to tell us whether ultimately Mr. V. K. Singh goes—because they have finally come to accept the report and recommendations that Mr. Appu made, or, along with Mr. V. K. Singh, should Mr. Appu also go? If so, what is the fault of Mr. Appu that he should go? Will the Government apologize to this senior Administrative Service official, a man of integrity, a man of unimpeachable integrity and ability? Will Government apologize to this man and get him back to his position—or to any position, but nevertheless get him back? Or, Will Government want to equate Mr. Appu and Mr. V. K. Singh with the same yardstick?

These are the questions which I would like the Minister to answer.

गृह मंत्री (श्री जैल सिंह) : स्पीकर साहब, जार्ज साहब ने जो वैश्वचर्च किये हैं, उनमें उनका यह ख्यालात कि सिलेक्शन

किस ग्राउण्ड पर की गई, कालिग अटेशन के साथ इसका सम्बन्ध नहीं है सिलेक्शन हुए बहुत मुद्दत हो गई है। अगर कोई मेम्बर पूछना चाहे तो मैं इसकी जानकारी करूँ कि जब इसका दाखिला किया गया, सिलेक्शन करने के वक्त जो सिलेक्शन के रूल्स हैं, उनकी पालना की गई या नहीं की गई? अकादमी से वह डिसिप्लिनरी ग्राउण्ड पर विद्वा हुआ तो कैसा था, क्या था यह डिटेल मेरे पास नहीं है। मैं यह भी समझता हूँ कि जब एक व्यक्ति सजा पा चुका है तो उसके बाद इस डिटेल में जाने का कोई लाभ नहीं होगा, मगर हम छिपाना नहीं चाहते।

दूसरे उन्होंने यह कहा कि मंत्री साहब यह बतायें कि पहले लीनिअन्ट-व्यू लिया और उसके बाद उसको निकाल दिया गया, ऐसा क्यों हुआ?

एक तो स्पीकर साहब, डिपार्टमेंट के मंत्री का सैक्रेटरी, एडिशनल सैक्रेटरी, डिप्टी सैक्रेटरी से क्या नोटिंग एक्सचेंज हुआ, उसके बाद मैं समझता हूँ कि रूटीन के हिसाब से कोई ज्यादाती नहीं हुई है। हम हमेशा फैसला यह करते हैं—विद्वा-उट फीयर और दिग्वाउट फेंवर, लेकिन फेयर फैसला करते हैं। यह हमने कसम खाई हुई है। इस कसम के मुताबिक हम डिसिजन लेते हैं।

इन्साफ के लिए जरूरी है कि छोटे गुनाह की बड़ी सजा न दी जाए और बड़े गुनाह को छोटी सजा देकर माफ न किया जाये। दोनों बातों में बेइन्साफी होती है।

हमने पहले व्यू लिया, हमारा स्टेटमेंट भी है कि सुधारक तरीका अख्तियार किया जाये, इसको सख्त वार्निंग दी जाये और वाच किया जाये। इस तरीके से हो सके तो ठीक रहेगा। छोड़ा नहीं गया था, लेकिन सजा कम दी गई थी।

अब उसके बाद जब कुछ और बातें नोटिस में आई हैं,.....

एक माननीय सदस्य : क्या बातें ?

श्री जैल सिंह : ... उन बातोंसे इस बात का विश्वास होता है कि उसने न तो बलात्कार किया और न बलात्कार करने की कोशिश की। वह बदचलन नहीं है, बद-कलाम है। यह पता चला कि वह बद-कलाम है और इस बात से दूसरे प्राबेशनर जो थे, उनकी परेशानी हुई। तो हमारे डिपार्टमेंट ने, सेक्टररी ने फिर हमसे डिसकस किया, और डिसकस करने पर मैं इस नतीजे पर पहुंचा हूं कि उसका निकाल दिया जाय इसलिये दोबारा सोचा गया और दोबारा सोचने के बाद निकाल दिया गया। दुनिया में ऐसा कोई फैसला नहीं है, जिस पर दोबारा गौर नहीं किया जाता है। दोबारा गौर करने की फर्नान्डीस साहब को प्रशंसा करनी चाहिये थी, मगर प्रशंसा करने के बजाए वह कह रहे हैं कि हमने क्यों किया। (व्यवधान) माननीय सदस्य को जार्ज कहें या फर्नान्डीस कहें। नाम का प्रोनोंसीएशन अलहदा-अलहदा हो जाता है। मैं जानबूझकर उनका नाम बिगाड़कर नहीं कहता हूं। मेरे मन में कोई द्विधा नहीं है। मैं तो पूरी श्रद्धा से और प्यार से कहता हूं।

दो सवाल आनरेबल मेम्बर साहब के थे। उनका मैंने जबाब दे दिया। आशा रखता हूं कि उनको तसल्ली हो गई होगी।

... (व्यवधान) ...

AN HON. MEMBER: What about Appu? (Interruptions)

SHRI GEORGE FERNANDES: Will you now protect me, 'Sir'? (Interruptions)

MR. SPEAKER: They wanted to talk about Appu.

श्री जैल सिंह : उसने रिजाइन नहीं किया। उसने छुट्टी मांगी है और लीव

एप्लिकेशन पर हमने उसकी लीव मन्जूर कर दी है। इसके सिवा दूसरी कोई बात नहीं है। वह बिहार कैडर का अफसर है। अगर उसने रिजाइन करना हुआ, तो वह बिहार को करेगा। (व्यवधान)

SHRI M. M. LAWRENCE: Appu has requested for leave in protest. It was in protest. (Interruptions) In protest he has asked for leave, (Interruptions)....because as per his report, the Government did not take any action against V. K. Singh (Interruptions)

श्री जल सिंह : इस बात की कोई हद नहीं होगी। आनरेबल मेम्बर साहब पहले बोल चुके हैं और उनका जबाब हो चुका है।

अध्यक्ष महोदय : आपको उन्हें जबाब नहीं देना है। आप जार्ज साहब को जबाब दें।

श्री जैल सिंह : हमने केवल इतनी कार्यवाही की है कि उनकी लीव एप्लिकेशन को मन्जूर कर लिया है। (व्यवधान)

AN HON. MEMBER: It was conditional!

श्री जैल सिंह : कन्डीशनल, न कन्डीशनल का, जब छुट्टी का वक्त खत्म होगा, तब समय आयेगा। अब तक उसका समय नहीं है।

MR. SPEAKER: Mr. Imbichibava. The hon. Member is absent. Mr. Satish Aggrawal.

SHRI SATISH AGARWAL (Jaipur): Mr. Speaker, Sir, at the very outset I compliment you for giving this opportunity to the House sensing the feelings of the hon. Members yesterday to discuss this issue which arises certain questions not in regard to one single individual, but the total quality of the Service in this country and the standard and morality of the discipline that the Government wants

[Shri Satish Aggarwal]

to maintain and not only that, the quality of the men at the helm of affairs. So, I compliment you and thank you.

I shall be failing in my duty if I do not compliment the Minister of State, the hon. Mr. Venkatasubbaiah for this upright approach in this case and he should feel satisfied that his stand has been vindicated.

SHRI P. VENKATASUBBAIAH: whatever decision has been taken, it has been taken by Giani Zail Singhji. I need not be discriminated. I am part and parcel of the entire Home Ministry and the hon. Home Minister has stated the approach of the Government as a whole.

अध्यक्ष महोदय : जहाँ तक सतिश जी की मित्त्रता का सम्बन्ध है, उन्होंने तो यह शेर गढ़ दिया है :—

“मुझे मेरे दोस्तों की तादाद तो बता दो, मैं अपने दुश्मनों की गिनती तो कर लूँ।”

SHRI SATISH AGARWAL: There is a general complaint, sometimes, from the Treasury Benches that we do not appreciate if something good has been done by them. Mr. Venkatasubbaiah has set an example for other junior Ministers to stick to their convictions and he is on record on the file, that Mr. V. K. Singh should be discharged.

He agreed with the recommendation of the Director. He did not care for the Home Minister. That is why I say, he laid an example for the other junior ministers in this respect without caring for the senior Minister, you must record your opinion”. Giani Zail Singh just now said. “We have revised the decision” In the morning hours, this House had to be adjourned for practically two hours. Why? Because in the morning, that portion of the draft which Giani Zail Singh had prepared was different. This is the revised statement. In the second page of the revised statement it has been mentioned:

“Initially, Government thought that a reformative approach would be adequate. However, on a further review of all aspects of the case, Government have now decided that the probationer should be discharged under Section 12(b) of the IAS (Probation) Rules and this decision has been communicated to the Joint Director”

This is mentioned in this draft now. But this got delayed because Giani Zail Singh till the end was having this portion in the draft, namely:—

“After due consideration, Government took the view that it would be appropriate to adopt a reformative approach by issuing a strict warning to the probationer and keeping a watch over his conduct and behaviour. Government also decided that the Director should send a sixth-monthly special report on the conduct and behaviour of the probationer for consideration of Government.”

If anybody deserves compliments, I will not feel shy in extending those compliments not to the Home Minister but to the Prime Minister who got this decision changed. We are prepared to give the due to whosoever deserves but not to Gianiji.

SHRI ZAIL SINGH: I am happy if all credit goes to my Prime Minister; I am happy. ,

SHRI SATISH AGARWAL: This was the reason that this draft had to be changed and got cyclostyled later on. There also, Gianiji, you have misled the Prime Minister, because Mr. Shiv Shankar knows it very well that there is difference between removal, discharge and dismissal. A man who is dismissed from service is debarred from Govt. service thereafter. A man who is discharged from service is entitled to re-enter the service. In this particular case, I am not aware whether he is in the Indian Forest

Service or Indian Foreign Service, but he is already in some service. Mr. Venkatasubbaiah very cleverly read rule 12(b). But what is the relevant rule.

Rule 11 of the Discipline and Conduct Rules says:

“(2) A probationer shall be liable to be removed or dismissed from service if he fails to obey any order which he may receive from the Central Government or from any other competent authority or if in the opinion of the Central Government, he has wilfully neglected his probationary studies or duties or is guilty of conduct unbecoming a member of the service.”

This is rule 11 where powers for dismissal have been given. They have not invoked the powers under rule 11. They have not dismissed him, but they have invoked the powers under rule 12, which may colleague, Mr. Venkatasubbaiah read out:

“12(b): If the Central Government is satisfied that the probationer was ineligible for recruitment to the service or is unsuitable for being a member of the service....”

You have read it out. But what is the main section? The main section is rule 12, which says:

“A probationer shall be liable to be discharged from the service or as the case may be reverted to the permanent post on which he holds a lien or would hold a lien had he not been suspended under rules applicable to him....”

So, under rule 12, you have still kept ground for him. He will revert back to the post on which he has a lien. Anyway, you should have right away dismissed this particular gentleman.

DR. SUBRAMANIAM SWAMY (Bombay North East): God save the women employees of the Foreign Service!

15 hrs.

SHRI SATISH AGARWAL: You have informed the House in the morning that this decision has been communicated to the Joint Director. This is mentioned in the statement. May I know from Mr. Vankatasubbaiah at what point of time, hour and date, you communicated this decision to the Joint Director? Is it after these amendments that have been carried out in this statement? Yesterday, the same Mr. Bandopadhyay, who gave him a hearing and informed the Director, Mr. Appu on telephone that he had given him a personal hearing, appointed an enquiry. When was the file submitted to you, Mr. Home Minister? I do not want to go into all that history. For such a long period, you kept the file pending with you. The matter was being pursued. Requests were being made to you that he should be discharged. And on a number of occasions in the past, members of the Service had been dismissed or removed or discharged on very minor and petty grounds in order to keep the morale of the Service and keep the discipline within the Academy. Really, Sir, they are very brilliant chaps, who are coming to the Service. I had number of occasions to address them as Chairman of the Public Accounts Committee in Parliament House Annexe. Gianiji, you have put premium indiscipline, crime, criminality, mis-behaviour and mis-conduct by taking recourse to such actions. That does not behove you. I once again remind you not to forget that you are not the Chief Minister of Punjab. Now, you are the Home Minister of India occupying that illustrious chair once upon occupied by Pandit G. B. Pant and Sardar Vallabh Bhai Patel. Why do you forget that? I am prepared to condone your actions when you were Chief Minister of Punjab so far as Rajya Sabha elections and manipulations and interpolations in the ballot boxes are concerned, about which there is a judgement of the Punjab High Court where there are allegations against you. There is an issue on that

(Shri Satish Aggarwal.)

score that he was the man who interfered with the ballot boxes, ballot papers received from the jail. (*Interruptions*) But here you are the Home Minister occupying this illustrious chair, which was earlier occurred by late Govind Ballabh Pant and Sardar Vallabh Bhai Patel and even by Lal Bahadur Shastri, who, on a minor rail accident, resigned from the post. All this episode completely exposes your attitude and approach. Here also you are trying to defend. May I ask you a specific question? Is it not a fact that when this incident took place, the lady probationers got themselves locked up in a room and it was the Collector of the area concerned who came to their rescue and got them released. Are you not aware of this fact?

I am told that a case was also reported to the Police but it has been hushed up. Gianiji, I did not expect that much from you. After all, what are you going to gain out of all this concealment? You will go down in the history as a man more of concealment than of revealing. Please for God's sake, this red rose is not going to enhance your glamour, you conduct and actions in the Home Ministry.

Is it not a fact that the Collector was seized of the matter, that the matter was reported to the Police? Is it not a fact that the Collector came on the spot and rescued these girls? Then why did you sit over all these things for so many days? You are making a statement here that it has not come to your notice from the report of the Joint Director that any rape was committed or there was any attempt for rape. If there was no rape, I am happy to know about it. But were they not molested? Were they not assaulted? Were there no advances? Are you going to condone it? He was going to be in the Service. You can condone such acts so far as politicians are concerned. You can make them Chief Ministers, I do not mind that. But so far as Ser-

vices are concerned, Gianiji, you must be aware—Bhagwan Devji from Ajmer will verify it to you—that there was an I.S. Collector in Rajasthan, who misbehaved somewhere in Ajmer some time back. Government took some action. Later on, he was taken to the police station, then he said that he was a Collector. Like this, if you do not take a strict action on this score, the Services are going to be demoralised. Is it permissible for the probationers to possess weapons like .303 or .38 and threaten people with them? Is it not a violation of the Arms Act? Are the probationers permitted to possess them? I do not think so. Did he possess a licence for them? If not, did you register a case against him?

Why did you invite him for a personal discussion, as against the report of the Director, who is such an excellent civil servant? As against his report, you permitted a delinquent officer to offer personal explanation by being here in Delhi for nearly three weeks, meet your Secretary, Personnel, and give him a personal explanation. Then you should have called the Director also. But you did not call the Director; you simply called a man, who is the culprit. It is giving protection to a culprit. If you have not read the Criminal Procedure Code, please consult Shri Shiv Shankar. There is a provision in the Criminal Procedure Code that if you are in possession of information about the guilt of one individual and does not report that matter to the police, then you are guilty under the law. All these offences having come to your notice, by not reporting them to the police you are also guilty of violating the provisions of the Criminal Procedure Code. That these provisions are complied with in the case of citizens, and not in your case, is really a very sordid story.

Then you put forward the story that the father of the girl did not die of shock. I would not name either the girl or her father. But it is a fact, as testified by Shri Unikrishnan, who comes from Kerala, and other members also, that he died of heart attack,

after hearing this shocking story. Instead of expressing sorrow for it, you said that he did not die of shock, as if you were the doctor who conducted the *post mortem*. You should have expressed sorrow for him. He came and knocked at your door several times. Many people tried to persuade you, the Director, the Joint Director, your own departmental officers, everybody. They all deserve compliment for functioning without fear or favour. But it is only you

दाल भात में मूसल चन्द— बाक कोई नहीं,

Everybody was all right; they have given honest reports. The Joint Director, the Deputy Director, everybody in the Academy is going on leave.

This Government, at least at this late hour, should come to its senses. So, kindly explain whether you contradict the facts, as mentioned in the *Hindustan Times* of 4th March and *The Indian Express* of 5th March.

Secondly, was he in possession of unlicensed arms? If so, why did you not register a case against him? Thirdly, why did you discharge him under rule 12(b)? Why did you not dismiss him under rule 11 so as to debar him for all times to come from employment in Government?

Then, three incidents were mentioned as having taken place. You have referred only to two. Will the Home Minister, in all fairness, be prepared to lay all the correspondence in this behalf on the Table of the House and to set up an All Party Parliamentary Committee to go into the whole matter so that everything is above board?

SHRI P. VENKATASUBBAIAH: Shri Satish Agarwal said that I have been clever enough to take recourse to rule 12(b), instead of taking action under rule 11 of the Indian Administrative Service Probationers Act. This action has been taken on the recommendations made by the Director. Since his recommendation was that we should take action under rule 12(b), we have acted accordingly.

AN HON. MEMBER: A very good excuse.

SHRI P. VENKATASUBBAIAH: Secondly, it is a fact that he was in the IFS-B prior to joining the IAS. But he does not hold any lien in the previous job any more.

SHRI SOMNATH CHATTERJEE: How did he lose that lien?

SHRI P. VENKATASUBBAIAH: On the basis of the Civil Services Examination, 1980, he qualified himself for appointment to the IAS. So, there was no lien and he has appeared for the examination.

SHRI SOMNATH CHATTERJEE: Unless he has resigned, or given up his lien, how can he lose his lien?

SHRI P. VENKATASUBBAIAH: He has no lien at all; he has given up the lien. He does not hold any lien in the previous job any more.

MR. SPEAKER: The Minister says that he has no lien in the previous job.

DR. SUBRAMANIAM SWAMY: Did you not have a police check before recruitment? Because, you leave the police after us on every pretext.

SHRI P. VENKATASUBBAIAH: It goes without saying that all these checks have been undertaken.

About the other matter, Shri Unnikrishnan has testified to the fact, what Shri Agarwal was telling, that the girl is from Kerala. That is what you have mentioned. I can only say that the girls, who are supposed to have been involved in this, do not at all come from Kerala.

AN HON. MEMBER: Wherefrom are they?

SHRI P. VENKATASUBBAIAH: We should maintain the decorum of not revealing the names of the IAS probationers. That is why I did not want to go into those particulars. The statements of the girls, who were involved in this, have been taken. In their

[Shri P. Venkatasubbaiah.]

statements they do not say that any attempt to rape was made; nor do they come from Kerala. I am giving this information from the records in the file.

SHRI E. BALANANDAN (Mukundapuram): I have heard the explanation given by the Minister and I am surprised to see some of the words which he has used. I thought the discussion on this question will be at a high level, everybody will support the motion which we have placed before the House and that there would be no defence from the other side on this question. But we find somebody shouting against somebody here. What are we discussing here? We are discussing a point about the purity of the administrative officers, who have to rule this country.

MR. SPEAKER: Serve the country; not rule. I do not agree with you. They have to serve the country.

SHRI E. BALANANDAN: After all, they are going to become the Collector of a District or a Secretary to Government. Yet, what is the attitude taken by the Government? The hon. Minister has explained that according to the report he has received—the entire report he has not revealed—this probationer, with a revolver in hand, threatened the other probationers. All these facts are with you. Yet, Government want to take a lenient view.

Secondly, this is not a small mistake. Considering the gravity of the offence, you should have removed him from service. But, it has not been done in this case. Instead, a lenient view was taken by the Government at first, and now Government has decided to dismiss him. Why?

15.14 hrs.

[SHRI HARINATH MISRA in the Chair]

My hon. friend, Shri Agarwal, has asked a question as to when this decision to dismiss him was taken. No answer has been given to his question. When was this decision taken? Has it been communicated to him? At what time was this communication sent?

This information has not been given by the Minister, even though questions were put to him. And I may ask him whether the Assistant Directors and other officers of the Academy have taken leave? They have been protesting that the Deputy Director has taken two months' leave. In his letter of resignation the Director said that if action is not taken against Mr. V. P. Singh, he should be allowed to retire. After that, the Government did not act and then, the other officers who are there, the Deputy Directors and others also took leave, and somebody wanted to have an appointment with the Secretary (Personnel) of the Government of India. This way, the whole Academy is not functioning now. Because, firstly, the Speaker has kindly agreed to have a discussion here and secondly, all the papers came out with full reports, the Government is now forced to say that Mr. V. P. Singh is dismissed. But all these questions should be viewed dispassionately. When such a kind of report came, our Home Minister should have taken immediate action to dismiss him. They have sent the report after full inquiry and so he should have been dismissed forthwith. But then some high-ups—I do not want to say who—came and influenced the Government, especially the Home Minister and so he took a lenient view. For what? For molesting or attempting to molest a woman. That was the report published in the *Indian Express*. Technically, while reporting to the Government, the name of the lady who has been subjected to this kind of molestation will not be given. Our Home Minister also said that people do not normally give the name and other details while making a report of this type because under the Indian culture and tradition it is very bad and so they do not do that. But that does not mean that it did not happen. We do not accept that kind of a denial. The point is that it has happened and if you wanted to keep the decorum or decency about the standard in the Administrative Services, he should have been dismissed immediately. Now, I demand from the Government an explanation for this.

The whole thing is talked about. Will you explain as to when you took the decision to dismiss him and when you Communicated the decision to the person concerned? I also demand that Mr. Appu should be called back to service to show to the people of India that one who stands on principles will get his due position and the Government of India will ensure that higher moral standards are kept up. That way they should invite Mr. Appu to the Academy, and I want a specific answer from the Government about the date on which the discharge order has been sent and the time when the order has been sent. Will the Government immediately call back the Director, Mr. Appu, to service?

SHRI P. VENKATASUBBAIAH: Sir, only the Director has gone on leave. No other officer of the Academy has applied to the Government for leave except one who has not been sanctioned leave so far, as he has not wanted leave from any specific date. So, the Academy is functioning.

The next point is as to when instructions were given for discharge of this probationer. This morning we have given instructions to discharge him from service.

SHRI SURAJ BHAN: What time?

AN HON. MEMBER: What is today?

MR. CHAIRMAN: This morning means today morning.

SHRI P. VENKATASUBBAIAH: Sir, the Academy is functioning.

The Government is sincere and honest to keep up the dignity and one of these people who are being recruited as IAS officers and who are being sent for training to serve the country. The Government will not lag behind in keeping this high tradition. Whatever conjectures the hon. Members have made, I am not here to answer certain hypothetical questions. But I have given to the hon. Members what are the facts of the case.

SHRI E. BALANANDAN: Will the Government re-think again and call Mr. Appu?

PETITION RE. DELHI RENT CONTROL (AMENDMENT) BILL, 1980

SHRI V. N. GADGIL (Pune): I beg to present petition signed by Shri J. P. Jain and others regarding the Delhi Rent Control (Amendment) Bill, 1980 so as to make provisions also for adequate return on housing investment and expeditious disposal of eviction cases of premises for self-occupation.

15.19 hrs.

STATEMENT RE. WATER IN AVIATION FUEL AT INTERNATIONAL AIRPORT AT BOMBAY

THE MINISTER OF PETROLEUM, CHEMICALS AND FERTILIZERS (SHRI P. SHIV SHANKAR): Sir, hon. Members Shri Ram Vilas Paswan and Shri Zainul Basher had yesterday given separate notices of Calling attention motion regarding "water in Indian Oil fuel again in Bombay". My colleague Shri A. P. Sharma, Minister for Tourism and Civil Aviation has dwelt at length in this Hon'ble House the Calling Attention motion on the issue of "water in Indian Oil fuel in Bombay" on 3rd March, 1982. I should have perhaps *suo moto* furnished the facts at the earliest in this House, but in view of the discussion on the Calling Attention motion I feel that a separate statement on my part was not necessary, but sincerely regret for not having been before this House earlier to explain the position. My colleague Shri A. P. Sharma had informed this House on 3rd March 1982 that 4 officers against whom *prima facie* commission negligence was established have been suspended. This was a compendious action for the incidents on 27th and 28th of February 1982 both.