

SHRI PRANAB KUMAR MUKHERJEE: The hon. Member is aware that Shri Subramaniam is not here. He has gone abroad. Regarding the question of West Bengal, he is perhaps not correct in saying that only 82 people have been arrested in West Bengal. Uptodate, 886. . . (Interruptions)

श्री मधु लिख्ये : मैं वेस्ट बंगाल की बात कह रहा था। मैं ने यह कहा था कि पश्चिम बंगाल में 82 स्मगलर्स पकड़े गये हैं, और 68 ऐब्स-कॉन्ड कर रहे हैं। क्या यह बात सही है? 82 smugglers have been arrested and 68 are absconding.

SHRI PRANAB KUMAR MUKHERJEE: That is correct.

श्री मधु लिख्ये : इनकी ऐफीशियंसी देख लोजिये, अध्यक्ष महोदय, 68 ऐब्स-कॉन्ड कर रहे हैं स्मगलर्स।

अध्यक्ष महोदय : आप उनको बोलने बीजिये।

SHRI PRANAB KUMAR MUKHERJEE: It is not correct to say that 82 people have been arrested.

Regarding West Bengal also, we have already taken steps by taking up the matter with the State Administration and we tried to find out whether these people could be arrested. As regards the effect of excise duty, I have already replied in reply to a question of Shri Piloo Mody that this is not the occasion to discuss what would be the effect of the excise duty. It has already been mentioned that it is the usual practice of the Ministry of Finance if they give some concessions it is done when the Finance Bill is being discussed on the floor of the House, this matter can be discussed. It is not possible for me to indicate just at the moment.

The last point which the hon. Member raised is about what Shri Rajni Patel said. There is nothing wrong in that. Various people have expressed their opinion. And Shri Rajni Patel has expressed his own opinion. Whether the Government is acting as per the advice of Shri Patel or not, it is for

the hon. Member to draw his own conclusion when the Finance Bill comes up.

12.53 hrs.

PUBLIC ACCOUNTS COMMITTEE

HUNDRED AND FORTY-EIGHTH REPORT

SHRI JYOTIRMOY BASU (Diamond Harbour) : I beg to present the Hundred and Forty-eighth Report of the Public Accounts Committee on paragraphs relating to Financial Results and Earnings of the Railways included in the Report of the Comptroller and Auditor General of India for the year 1972-73, Union Government (Railways).

12.54 hrs.

COMMITTEE ON GOVERNMENT ASSURANCES

ELEVENTH REPORT

SHRI B. K. DAS CHOWDHURY (Cooch-Behar) : I beg to present the Eleventh Report of the Committee on Government Assurances.

12.55 hrs.

STATEMENT BY MEMBER RE. INFORMATION GIVEN BY DEFENCE MINISTER ON 20-2-1975 IN HIS REPLY TO USQ NO. 422 REGARDING DETENTION OF MAJOR RAMESH CHANDER DHAWAN AND MINISTER'S STATEMENT CORRECTING THE REPLY

SHRI JYOTIRMOY BASU (Diamond Harbour) : Mr. Speaker, Sir, I am narrating here below how the Defence Minister, Sardar Swaran Singh has given a wrong reply which was misleading to the House.

In reply to my unstarred question No. 422 dt. 20-2-1975 Sardar Swaran Singh, Minister for Defence stated :

Question : (c) Whether it is a fact that Major Dhawan made a statutory complaint to the Central Government levelling certain allegations of corruption, misuse and misappropriation of military stores against some of his superiors ;

Reply : Yes, Sir.

The statutory and other complaints contained allegations against four of his superior officers.'

This information is totally wrong and baseless and was made to undermine the whole thing. In actual fact this statutory and other complaints contained allegations against 12 of his superior officers and not 4 as stated by the minister. They are as follows :

- (i) Lt. Col. I. N. Suri (then Major) of 3 Assault Field Co.
- (ii) Col. Soman of 471 Engineer Brigade.
- (iii) Lt. Col. Swami of 465 Army Troop Engineers.
- (iv) Lt. Col. Inder Jagmohan, a A.Q.M.G. of HQ 17, Mountain division.
- (v) Lt. Col. Kapur of 269, Army Engineering Regiment.
- (vi) Lt. Col. Ajit Prasad of 235 Army Engineering Regiment.
- (vii) Lt. Col. V. Ganesh.
- (viii) Lt. Col. Ran Gar.
- (ix) Gen. Nagra.
- (x) Lt. Col. B. Arora.
- (xi) Brig. A. L. Kochar, Chief Engineer, XXXIII Corps.
- (xii) Lt. Gen. B. N. Das.

From the above factual and correct information you will see that the reply given to the question before this august House was totally wrong and misleading

Sir, the hon. Minister has chosen to mislead the House in order to shield these corrupt officials.

THE MINISTER OF DEFENCE (SHRI SWARAN SINGH) : I have carefully gone through the reply given on 20th February 1975 to Unstarred Question No. 422 tabled in Lok Sabha by Shri Jyotirmoy Bosu with reference to the available records in the Army Headquarters and Ministry of Defence. While Part (c) of the Question asked whether it was a fact that Major Dhawan had made a statutory complaint to the Central Government levelling certain allegations of corruption, misuse and misappropriation of military stores against some

of his superiors, the reply given covered not only the statutory complaint referred to in the Question, but also other complaints which were not referred to in the Question. I now find that in framing the reply, the concerned officer picked out the names of officers superior to Major Dhawan not from the statutory and other complaints submitted by Major Dhawan but from the proceedings of two Courts of Inquiry which were ordered on the basis of one of the non-statutory complaints as the statutory and other complaints were not readily available to the dealing officer. This mistake was also not detected by the officers who checked the reply before it was finalised. The concerned officers in the Army Headquarters and Ministry of Defence have expressed their deep regret for this mistake. I would like to add my own regret for the erroneous information given to the House.

I think that the reply to Part (c) of the Question should have confined itself to the statutory complaint made by Major Dhawan which was already dealt with by the Ministry. This statutory complaint dated 16-4-73 was for granting redress of grievances in restoring his seniority and grant of promotion which allegedly was not given because of adverse remarks made during 1962-69 in his Annual Confidential Reports by his seniors due to alleged prejudice for his having complained against them. This statutory complaint had already been rejected by Government in April 1974 and the officer informed. This complaint contained allegations against six of his superiors. The allegations related to periods from 1960 to 1970. An attempt was made to find out from the available records whether the allegations were enquired into at the relevant time and, if so, what action was taken. It is found that in one case in 1970, the officer was awarded the punishment of 'severe displeasure'. In respect of two cases relating to 1968 and 1969, Regimental funds which were kept in unauthorised private account were got reimbursed and credited to the correct Regimental account. One case relating to 1963 was investigated and finally dropped. In two cases relating to 1960

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and 1965 there are no records to show whether any action was taken.

In view of the foregoing, reply to Parts (c) and (e) of the Unstarred Question No. 422 has been revised as per statement which is now being laid on the Table of the House.

It is seen that Major Dhawan has made more than one statutory complaint and several non-statutory complaints. It is not clear to which statutory and non-statutory complaints the Hon'ble Member is referring in the notice of privilege and in his statement. I am not attempting any reconciliation with the names mentioned by the Hon'ble M.P. in his statement which he has made today with the number of 'six' superiors mentioned by me, as I am confining myself to the statutory complaint of 16-4-73 submitted by the Major and as any such reconciliation and discussion would lead to disclosure of names and controversy which is not in the public interest. However I shall try to find out the complete details of the cases pertaining to the 12 officers whose names have been mentioned by the Hon'ble Member and I shall communicate the information to him in due course.

I may be permitted to add that Government have no intention to shield any wrongdoer. All specific allegations brought to the notice of authorities are always enquired into and appropriate action taken depending upon the merits of each case.

[Statement laid on the Table of the Lok Sabha on 22-4-1975 correcting the reply given to parts (c) and (e) of Unstarred Question No 422, answered on 20-2-1975.]

In part (c) of Unstarred Question No. 422 put down for answer in the Lok Sabha on 20-2-1975, it was asked whether it was a fact that Major Dhawan made a statutory complaint to the Central Government levelling certain allegations of corruption and misuse and misappropriation of military stores against some of his superiors.

The answer given to the aforesaid part of the Question was as follows :—

“(c) Yes, Sir. The statutory and other complaints contained allegations against four of his superior officers.”

In part (e) of the aforesaid Unstarred Question it was asked as to what was “the nature of these charges and the action taken on the same?”

The answer given to the aforesaid part of the Question was as follows :—

“(e) (i) The nature of charges was diversion and misuse of funds allotted for execution of operational tasks and purchase of stores at exorbitant rates.

(ii) The matter was investigated and the officers dealt with disciplinarily Of the four officers involved—

(A) One was awarded 'severe displeasure' of the Chief of the Army Staff ;

(B) Another was tried by a GCM and acquitted ; and

(C) The remaining two were also tried by GCM Of these, one was sentenced to dismissal and the other to cashiering and six months RI. However the sentences in both these cases are still to be confirmed by the competent authority.”

On further investigation it has been found that answers to parts (c) and (e) of the Question were erroneous. The error is regretted The answer should have confined itself to the statutory complaint referred to in the Question.

The correct position is as follows :—

“(c) Yes, Sir. The statutory complaint dated 16-4-1973 contained allegations against 6 officers superior to him.”

“(e) (i) The charges related to misappropriation of Government stores, misuse of Government stores and funds, unauthorised service from MES, misuse of Government machinery and Regimental funds not having been placed in auditable account books,

(ii) From the records it is seen that one case relating to 1970 was investigated and the officer was awarded "severe displeasure". In respect of two cases relating to 1968 and 1969, Regimental funds which were kept in unauthorised private account were got reimbursed and credited to the correct Regimental account. One case relating to 1963 was investigated and finally dropped. In two cases relating to 1960 and 1965, there are no records to show whether any action was taken".

SHRI SWARAN SINGH : Sir, I would like to add with your permission . . . (Interruptions)

13 hrs.

MR. SPEAKER : Let me listen to him This is very bad I am not allowing you

SHRI SWARAN SINGH : I would like to add only one word that I know and all of us know that if he talks of the statutory complaint by an officer, who is under cloud, he will have a copy of that, that statutory complaint. There was no point in suppressing because that is more or less a public document at any rate available with the petitioner. But, I have explained the unfortunate circumstances by virtue of which this mistake has crept in. I would also like to add that if you talk of the complaints, statutory and non-statutory, the number is not even twelve, but, even more I cannot complain that Mr. Jyotirmoy Bosu is trying to suppress any information.

13.02 hrs.

CIGARETTES (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) BILL.*

THE MINISTER OF HEALTH AND FAMILY PLANNING (DR. KARAN SINGH) : Sir, I beg to move for leave to introduce a Bill to provide for certain restrictions in relation to trade and com-

merce in, and producing, supply and distribution of, cigarettes and for matters connected therewith or incidental thereto.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for certain restrictions in relation to trade and commerce in, and production, supply and distribution of, cigarettes and for matters connected therewith or incidental thereto."

The motion was adopted

DR. KARAN SINGH : Sir, I introduce the Bill.

13.03 hrs.

RE. PROCEDURE ABOUT PERSONAL EXPLANATION BY MEMBERS

SHRI SHYAMNANDAN MISHRA (Begusarai). Sir, with your permission, I rise on a point of order under Rule 37b(1) for the interpretation and enforcement of Rule 357 and the related Direction 115C. Sir, the other day, that is on 21-4-75, Shri Morarji Desai, an hon. Member of this House made a personal explanation. A copy of the statement has to be submitted in writing by the Member concerned to the Speaker in advance according to Direction 115C. But, four copies of the statement were demanded by the Lok Sabha Secretariat and supplied accordingly. Soon after the supply of the statement to the Lok Sabha Secretariat, I learnt that a copy of it was supplied to the Government or the Prime Minister. This, I submit, constituted a breach of Rule 357 and the related Direction 115C. Rule 357 and Direction 115C do not posit that an advance copy of the statement would be made available to the Member whose remarks had warranted the personal explanation. The Rule and the Direction are unambiguously clear that an advance copy of the explanation has to be made available to the Speaker. The fact that in this particular case, the Member whose remarks had caused the personal explanation to be made happened to be a member of the Government or the Prime Minister,

*Published in Gazette of India Extraordinary Part II, section 2 dated 22-4-75.