

3-00 PM.

The House reassembled after lunch at four minutes past three of the clock, the Vice Chairman (Shri Shankar Dayal Singh) in the Chair

**CALLING ATTENTION TO A MATTER
OF URGENT PUBLIC
IMPORTANCE**

**Sitnation arising out of large-scale
disinvestment in public sector
undertakings—Contd.**

PROF. SAURIN BHATTACHARYA:
Thank you, Mr. Vice-Chairman, for having called my name.

What we *have* been discussing is, perhaps, basically something economic or industrial. Even though the Finance Minister comes to us with a final decision, perhaps from the CCPA, meaning it is, at the same time, a political decision, may be beginning from the then Finance Minister, Mr. Yashwant Sinha, but ultimately taken on his shoulders by the present Finance Minister, with all the added implications. The question is, what has been the intention of this disinvestment? It has been said, "For greater public participation" but, at the same time, allegations have been hurled how speculators utilized this disinvestment process to secure dishonest benefits out of it. It was said so in the Calcutta stock market. Perhaps the question which arises both from the securities scam and this disinvestment process is, why are share-brokers essential for the purpose of selling shares? It has been an inseparable part of our economic system, from the British days, but the baneful effect the way it is utilized for securing undue profit or undue advantages or undue hold on the industry is, I think, a long story.

Why can't the industries themselves do it? Here, the question of bundling or basketing has been raised. "Very good, good and average" have been bundled together, in bundles of 9,10 or IS, instead of doing it individually, in which case it has been argued that only the "very good" may be selected out and "good and average" would go a begging. And in the case of "very good" also, the prices would not be commensurate with its intrinsic worth. In such cases, even these baskets or groups can arrange their sale process themselves instead of being a prey to dishonest stock-brokers as You can see it in the securities scam.

Harshad Mehta has been responsible for much ups and downs in our politics in recent times. The likes of Harshad Mehta have not been absent in our economic field for long.

Rather, they have, one way or the other, been dominating. Though it is assessed that the securities scam would account for Rs. 5,000 crores, the fact remains that the real amount involved is much higher. That *amount might* not have been misappropriated directly, but the stretch of this manipulative practice on the part of the share market is over a large portion of our economy, which will run into Rs. 2,00,000 crores. When this is the role of the share brokers, of the share market is it essential, is it inescapable, that we should put our economy in the hands of these dishonest manipulators, these economic sharks? That question arises in this case also.

But there is another aspect, and that is regarding the acknowledged policy and sometimes not-so-acknowledged policy of the present Government regarding doing away with these public sector undertakings. I do not think the public sector undertakings will usher in socialism in anyway either according to the formulations of Pandit Jawaharlal Nehru or according to the formulations of Dr. Manmohan Singh, but the public sector undertakings covered those grounds which have rather delayed returns on large investments as they could not be undertaken by the public capital. PSU practically served the purpose of establishing key industries or basic industries which have practically been built up at the cost of the public exchequer. It was not with the help of the private capital because it was eager to get quick returns and not a long-term investment with profit prospects long drawn. That way they would not invest their money. It has been said by disinvestment you are expected to strengthen the economy. Disinvested money was sold only to financial institutions, mutual funds and other things, but the fact is that the disinvested money did not go to that channel. Ultimately the shares which were sold out the Government is not able to trace their whereabouts. In whose hands have they accumulated? I recently put a question. It was replied to by the Industries Minister. In that the total amount of disinvestments had been replied to. Another question was whether private or foreign capital took advantage of this disinvestment. The reply has been that out of the total only an insignificant amount of 0.25 lakhs of shares went to private hands. Foreign hand was totally omitted from the main reply. Anyway what has been revealed from the discussion today is perhaps not the whole truth. It is the formal truth. The real truth would be that the stock brokers and the manipulators cornered the shares and then

only these shares were transferred to private hands. My apprehension is whatever might be the genesis of these undertakings, the fact remains...

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Now you put question.

PROF. SAURIN BHATTACHARYA: I have already put the question. I am sure the question out of this will be met by the Finance Minister in the sense whether disinvestment really served the purpose it was expected to serve; whether the financial institutions, the mutual funds etc. really secured the benefit. The question is the PSUs served one purpose. A large segment which used to be called earlier the commanding heights of the economy was under the PSUs. After the disinvestment policy whether the commanding heights of the economy have been razed to the ground or not, I think that is the fourth point. Together with that the question remains whether this disinvestment which comes in slow degrees is really a device to demolish the ground, under the public sector system or whether it has some other motive. In between I put another question. Of course, I am not an economist. But it is my common sense point of view : How essential is the share market for our economy ? The history of the share market has been that it has been manipulating our economy and against the interest of the economy of the country or whatever it is. It may not be a socialist economy. It is a capitalist economy. But even that economy, its ownership, its administration, everything is sought to be diluted by these share operators, these share exchange manipulators. I do not know whether it is essential that this system should continue. It has been responsible for the securities scam, for attacking the entire economy. I do not know whether this machinery should be allowed to continue in our economy. Thank you.

SHRI RAM JETHMALANI (Karnataka) Mr. Vice-Chairman, Sir, we are discussing a matter which perhaps constitutes the most complex and the most sophisticated white-collar crime in the history of this country. Somebody compared it with Bofors, a hundred Bofors will not compare with this. The CAG valued the shares disposed of for Rs. 3000 crores at Rs. 8000 crores. I think he was grievously wrong. By his own methods of calculation he might be right. But I charge that we are not dealing with Rs. 8000 crores pointed out by the CAG. We are not

dealing with Rs. 12,000 crores which is pointed by Meryl Lynch, a very respectful financial company abroad. But we are dealing with, in my humble calculation, a sum which is in the neighbourhood of about Rs. 50,000 crores. I would, therefore, ask the first these shares had been directly sold to the public in the the month of March, 1992 at the prevailing market rates— is it or is it not true that the shares would have fetched something like Rs. 54,000 crores, a mind-boggling figure. Sir, I see the constraint of time from which you suffer. But considering the enormous nature of this very complicated crime, your rules of procedure will give way to a fair and accurate search for truth. I can understand the lack of interest of the Treasury Benches. They do not want to open up this "can of worms". It is "a can of worms", believe me. Sir. But I also regret that I expected much more interest in this affair being taken because Rs. 50,000 crores of people's money is involved in this.

Sir, the Finance Minister says in his statement that the object of this whole transaction or series of transactions was to cover up the Budget deficit. The Budget deficit, if I remember the figure right, is about Rs. 11,000 crores in the last Budget. If the shares had been disposed of in March, 1992 at the market rate, not only would our entire deficit have been wiped out but we would have still probably Rs. 40,000 crores more in the Government's kitty. Where did this Rs. 40,000 crores go, where did this money go ?

Sir, there was no urgency for the disposal of these shares. They were disposed of in two lots. The first lot was disposed of in December, 1991, and the second lot was disposed of in February, 1992. Do I understand that these gentlemen who receive public salaries, these gentlemen who enjoy the perks of office, were not looking at the market rate, that they were not looking at the stock exchange prices ? If they had looked at them, and they must have looked at them, it would be childish of us, it will be foolish of us to believe, and it will be foolish of anyone else to tell us to believe this story, that they did not know that the market price of such shares would be a hundred times more than the price at which you disposed of those assets. Why did you not wait ? Sir, the answer given by Mr. Manmohan Singh is an answer which treats us like retarded children. He thinks that we do not understand these things at all and that he will get away with any kind of assertion that he makes.

Sir, let me make one thing clear. I have the greatest affection for the hon. Finance Minister. Only on the 4th of August—today it is 12th—eight days ago, speaking in Bombay to a crowd of intellectuals gathered there, on the murky political scene in this country, I made a statement which, I am sure, must have come to the notice of the Finance Minister. I said that in this murky political scenario of today there was one way of hope and that was our incorruptible Finance Minister. I paid him this compliment on the 4th of August. I am not sure whether I would have paid this compliment to him if I had read the statement which he had placed on the floor of this House within 48 hours there-after, on the 5th of August. Sir, I had a hope, a hope which has been belied. I regret to say that it has been belied. It is a matter of personal distress to me. I thought that the Finance Minister would change the system which he was called upon to do, but it seems to me that he is not changing the system but that the system is beginning to change him already. Something is wrong.

Sir, the Finance Minister, in paragraph 3 of his statement on page 3, knows where the can of worms lies. He is too intelligent a man not to understand this. He understands this. Therefore, his moral and political responsibility is much greater than that of other ignominious who get away with an excuse of ignorance and lack of knowledge. This is what you say in paragraph 3, and that will be the foundation of my second question to you. You have said in paragraph 3:

There have also been allegations that certain financial institutions committed irregularities in collusion with brokers, which led to improper gains accruing to brokers. These are being looked into."

[If the main allegation is still being looked into, in the official jargon, when you say that you are looking into something, it means that you have effectively buried it and that you are now only taking further steps to see that it never revives again. When the matter was being enquired into and conclusions have not been reached, how is it that in the opening paragraphs 1 and 2 you gave a gratuitous certificate to your whole Government? You say:

" __ I believe that Government's *bona fides* in this matter are above reproach.

The decision to restrict within, to the public;

sector mutual funds, banks and financial institutions and even the decision to bundle shares was, according to his certificate, a *bona fide* decision. I want to ask this. This is the first sub-part of my second question. If it now turns out that these inquiries which are not yet complete, which are still being held-by whom, he does not tell us; when they started, he does not tell us: what are the *prima facie* conclusions arrived at, he does not tell us—are honest, assuming that these inquiries are held by an honest agency, it proves the following facts. Fact No. 1 is that the two-tier stage of sale was a device by which the mutual funds and the financial institutions should make only a token profit and the huge profits on resale should be shared by bank officials and brokers in the market (Time-bell). I am sorry, Sir. I do not mind borrowing some little time from other hon. Members. This is a matter of the greatest importance.

Fact No. 2 is this. If it is established that the shares were bundled to make it difficult to calculate the value of the basket and conceal the real object of selling them at a low value. Fact No. 3 is that the brokers involved were those who had advanced monies to those companies in which the Prime Minister's son is interested. Fact No. 4 is that the Committee that was set up and the Committee that has been set up is: almost the first Prime Ministerial act of the Prime Minister. The Committee was set up, think, in the month of June, 1991. Who are the persons who are put on this Committee, the personnel at the active core of this Committee, the most important. You have first the Prime Minister's Private Secretary, his blue-eyed boy, Mr. Verma. Then you have his brother-in-law, Mr. Suresh Kumar. Third, you have Mr. Montel Singh Ahluwalia. (Interruptions).

SHRI V. NARAYANASAMY (Pondicherry): Are they not incompetent?

MISS SAROJ KHAPARDE (Maharashtra) Mr. Montek Singh Ahluwalia is not

.... (Interruptions).

SHRI V. NARAYANASAMY: Are they not competent, Mr. Jethmalani?

SHRI RAM JETHMALANI: Did I say anything of that kind? Please sit down and listen. I will tell you what they are. (Interruptions).

श्री संजय प्रिय मोहन (उत्तर प्रदेश) : उसका नाम आए
चाहे कोई भी हो ... (व्यवधान)

SHRI RAM JETHMALANI: I will tell you what it is all about. *(Interruptions)*.

श्री संजय प्रिय गौतम : जो भी करप्ट होगा, उसका नाम जाना चाहिये चाहे वह प्रधानमंत्री का बेटा हो या उनका संबंधी हो . . . *(अव्यवधान)* आपको देश को बेच कर खाने की इजाजत नहीं दी जाएगी . . . *(अव्यवधान)*

कुमारी सरोज खापरडे : इतना जोर से हम भी बोल सकते हैं . . . *(अव्यवधान)*

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : You are also going to speak on this, Mr. Narayanasamy. *(Interruptions)*.

SHRI RAM JETHMALANI: Why dont you ask the Prime Minister to come and sit here instead of speaking through agents?

SHRI V. NARAYANASAMY: Mr. Jethmalani, you are also an agent of a party. Janata Dal. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Mr. Narayanasamy, your name is also there. *(Interruptions)*. I would now request the hon. Member to conclude.

SHRI RAM JETHMALANI : If the probe which is said to be continuing were to establish these facts, I am asking the Finance Minister, will he or will he not confess to this House that the certificate of good character that he has gratuitously issued to this Government will be a misleading certificate, will be a wrong certificate? I do not want to use the word 'false' because it is a harsh word to use for a friend on whom I have great hope and I have not yet lost the last hope that I have. Sir, we talk of the Committee members. Will the hon. Finance Minister tell us whether the close relatives of two of the members of this Committee who have been the most active members of this Committee— one's wife and another's daughter—are related to the companies which are involved in the purchase of these very shares ? Will you or will you not ? Will you please tell me this ? Was it not a guideline laid down that these shares would not be resold until they were listed on the stock exchange ?

Your statement, which is a masterpiece of obfuscation, does mention this in paragraph 13 but mentions it in a manner which is calculated to create confusion and to mislead this House. If the guideline which was laid down was obeyed, the shares could not have been sold in the month of December 1991 and they would

not have been sold in the month of February 1992. If the shares were listed and then sold, the shares could only have been sold in March 1992 and at that time, they would have realised Rs. 54,000 crores. Answer these inconvenient questions. What do you say? What is your explanation in paragraph 30? Paragraph 30 cancels the whole fraud. What you say is that it is permissible under the law to sell shares outside the stock market. Yes, Mr. Finance Minister, it is permissible to sell shares outside the stock market. But when you sell outside the stock market they have got to be on spot delivery contract and there cannot possibly be forward sales. Mr. Finance Minister, you know the law more than anybody else. Do you deny that these shares, which took place in the month of December 1991 and February 1992, the delivery of these shares was given as late as June 1992, and, therefore, they were not spot sales? Whoever authorised these sales, committed a breach of the Securities Act, which you have quoted and they are liable to be punished as criminal offenders. Sir, I charge that there has been a conspiracy which has come into existence for the purpose of cheating the public exchequer—a conspiracy to which bureaucrats are parties, to which politicians are parties and Sir, on the available evidence, Mr. Kamal Morarka was right . *(Interruptions)*.

SHRI VITHAIRAO MADHAVRAO

JADHAV (Maharashtra) • Mr. Jethmalani, you are also one of the parties to Mr. Harshad Mehta. *(Interruptions)*

SHRI RAM JETHMALANI: I have not purchased these shares. *(Interruptions)*

SHRI VITHALRAO MADHAVRAO JADHAV: You are putting the allegations from the side of Mr. Harshad Mehta. *(Interruptions)* You want to save the greatest offender. *(Interruptions)* Sir, he has no moral right to speak in this House. *(Interruptions)*

SHRI KAMAL MORARKA: Sir, if these are the rules, then the entire Congress Party should get out of the House. *(Interruptions)*

SHRI RAM JETHMALANI: Sir, in my whole political life, I have not seen such an insensitive and shameless Government. *(Interruptions)*

SHRI KAMAL MORARKA: How can he say that he has no moral right to speak in the House? Mr. Jadhav should not talk like this. *(Interruptions)* He has all the right to speak in

the House. (*Interruptions*) Let him withdraw his words. Are you teaching morality to us? * * * and you are talking of morality. (*Interruptions*) Don't talk of morality to Ram Jethmalani. (*Interruptions*)

SHRI M. A. BABY (Kerala): Sir, I am on a point of order. (*Interruptions*)

SHRI V. NARAYANASAMY: Mr. Morarka, it is not possible for you. You have got only two Members in Lok Sabha. (*Interruptions*)

SHRI V. NARAYANASAMY: *

SHRI KAMAL MORARKA: *

SHRI V. NARAYANASAMY: *

SHRI KAMAL MORARKA: *

SHRI MA BABY: •

उपसभाध्यक्ष (श्री शंकर दयाल सिंह): जयप जी, आप बैठ जाइये। . . . (व्यवधान)

What is this going on ? Without my permission it will not go on record. I am permitting Mr. Baby only.

SHRI VITHALRAO
MADHAVRAO JADHAV: *

MISS SAROJ KHAPARDE: *

SHRI KAILASH NARAIN SARANG: *

SHRI KAMAL MORARKA: *

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): I have allowed Mr. Baby to speak.

SHRI M. A. BABY: Thank you very much, Sir, for bringing the House to order. — (*Interruptions*)

SHRI KAILASH NARAIN SARANG: *

SHRI VITHALRAO
MADHAVRAO JADHAV: •

SHRI RAFIQUE ALAM: *

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Please take your seats. I

have allowed Mr. Baby only.

बैठिये, आप बैठिये तो . . . (व्यवधान)

SHRI KAILASH NARAIN SARANG: ♦

उपसभाध्यक्ष (श्री शंकर दयाल सिंह): अब जरा प्वाइंट ऑफ ऑर्डर तो सुन लीजिए . . . (व्यवधान) मैं किसी को अटने नहीं कर रहा हूँ। मैंने श्री एम. ए. बेबी को नाम दिया है . . . (व्यवधान)

SHRI KAILASH NARAIN SARANG: *

उपसभाध्यक्ष (श्री शंकर दयाल सिंह): आप क्या कर रहे हैं . . . (व्यवधान)

SHRI VITHALRAO
MADHAVRAO JADHAV: •

उपसभाध्यक्ष (श्री शंकर दयाल सिंह): आप जो बोल रहे हैं और आप जो बोल रहे हैं, वह कोई रिकार्ड पर नहीं जा रहा है। मैंने केवल श्री बेबी को परमिट किया है। . . . (व्यवधान)

SHRI KAILASH NARAIN SARANG: *

उपसभाध्यक्ष (श्री शंकर दयाल सिंह): सारंग जी, आप बैठ जाइये। . . . (व्यवधान) यह क्या तरीका है, मैं बार-बार कह रहा हूँ, सारंग जी बैठिये। . . . (व्यवधान)

MISS SAROJ KHAPARDE: *

उपसभाध्यक्ष (श्री शंकर दयाल सिंह): बिना मेरी अनुमति के कुछ भी जो बोलेंगे, वह रिकार्ड पर नहीं जाएगा। . . . (व्यवधान) आप बोलिए मि. बेबी।

SHRI M. A. BABY: Sir, due to obvious reasons we know in our House at times there used to be sound and fury but at the same time all of us should realise—whether we sit on this side or on the other side of the House—that not only that we perform but we are being watched also. So, Sir, my only submission is that we should try to conduct ourselves according to the rules and the procedure which have been laid down. Here, in the course of an intervention being made by my hon. colleague, Shri Rare Jethmalani, an hon. Member from the other side said that Shri Ram Jethmalani is no morally... (*interruption*)...

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): No, no; I am not going to allow you for a discussion.

SHRI M. A. BABY: Sir, please listen to me. I am winding up within a minute... (*Interruptions*)...

* Expunged as ordered by the Chair.

* Not recorded.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): If you are on the point of order, kindly tell me what your point of order is.

SHRI M. A BABY: An hon. Member has questioned

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): I have not allowed you to make a speech, but to raise a point of order.

SHRI M. A BABY: Let me complete. The right of an hon. Member to be present in this House as a Member is being questioned by an hon. Member from that side and my friend, Shri Kamal Morarka, also said that all those who sit on that side of the House are also not eligible to sit there. My submission is that this kind of remarks should not find ...

SHRI VITHALRAO MADHAVRAO JADHAV: Sir, I am on a point of order.

SHRI M. A BABY: ... a place in the records and we should restrain from making such observations. You please give your ruling.

SHRI VITHALRAO MADHAVRAO JADHAV: I am on a point of order.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH) : No. I am not allowing any point of order. Please take your seat Jadhavji.

मि० बेन्ने ने जो भी कहा है या जो भी बातें हुई, मैंने खुद कहा है कि जिनको मैंने परमिशन नहीं दी है रेकार्ड में वे बातें नहीं आयेंगी । मैं माननीय सदस्यों से यह अनुरोध करूंगा कि सदन को शांतिन टोन से चलाने के लिए हर तरह का बे सहयोग दें । वे बोलें भी रहें हैं और वे जानते भी हैं, लेकिन फिर भी तरह-तरह की बातें आ जाती हैं ।

मैं जेठमलानी जी से कहूंगा कि एक मिनट में वे अपनी बात समाप्त करें । मि० जेठमलानी ।

SHRI RAM JETHMALANI: I will take five minutes, Sir.

SHRI VITHALRAO MADHAVRAO JADHAV: Sir, listen to my

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : कृपया जी, आप बैठ जाइये । . . . (व्यवधान)

SHRI VITHALRAO MADHAVRAO JADHAV: It is my privilege to raise a point of order.

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : ठीक है, आपका प्रिविलेज है, लेकिन मेरा भी अपना . . . (व्यवधान)

श्री विठ्ठलराव माधवराव जाधव : आप सुन लीजिए, सर । . . . (व्यवधान)

SHRI RAM JETHMALANI: Give a reply instead of creating this noise.

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : बेलिए, आपका क्या प्वाइंट ऑफ ऑर्डर है ? आप बताइये ।

SHRI VITHALRAO MADHAVRAO JADHAV: This discussion which is going on is about the disinvestment of the public sector undertakings. But from where have this Harshad Mehta and all these things come? (Interruptions)...

SHRI RAM JETHMALANI: Who brought Mr. Harshad Mehta ? (Interruptions)...

SHRI VITHALRAO MADHAVRAO JADHAV: I am on a point of order. Sir, My point of order is that this discussion should be restricted to the subject only. It should not go beyond the subject and whatever ... (Interruptions) .'. .

SHRI VITHALRAO MADHAVRAO JADHAV: This is a very important point of order.

उपसभाध्यक्ष (श्री शंकर दयाल सिंह) : जो प्वाइंट इन्ट्रॉने रोज़ किया है, मैं आपसे कहना चाहता हूँ कि जिन बातों पर दिसकशन हो रहा है उससे बाहर न जाया जाए । तब आप अपनी बात कीजिए ।

SHRI RAM JETHMALANI: Sir, in paragraph 30 of the statement the hon. Finance Minister admits that only spot sales are permissible outside the stock exchange. Once you mention this statement of the law, why didn't you also were no spot sales at all ? Why did you conceal this fact from the House ? Are you now willing to admit to this House that the sales were not spot sales but they were future delivery contracts and the delivery had been given for the first time in the month of June, 1992 when the contracts had come into existence earlier and the breach of the law had taken place ? Who is responsible for them ? I want an assurance that

those who committed the breach of the Securities Act are going to be prosecuted and punished according to the law of this country.

Sir, two more questions arise immediately now. You had a reserve bid. I never heard of a reserve bid which is kept concealed in the pocket of the person who wants to auction his property. Why didn't you convey this to the bidders? Why didn't you tell the bidders, "According to us, this is the least value of our property and we are not prepared to entertain any offer below that."? Your statement reads like a stinking falsehood. You are insulting our common sense. The insult to the common sense is that we realised that the bids may not come up to the level of the reserve bid that we have in our mind and, therefore, we decided not to disclose the reserve to others. All right. Disclose the reserve bid to them and if you don't get bids which are in conformity with the reserve bid, then think, about your position. But why have you, in advance, concealed the reserve bid itself people in this country would have risen up and told you that this reserve bid itself is a fraud, the value of this here is hundred times or thousand times more than your reserve bid and we are prepared to give you hundred times the value of your reserve bid. But you wanted to avoid that unseemly ... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Mr. Viduthalai Virumbi *(Interruptions)* ... Mr. Virumbi.

SHRI RAM JETHMALANI: Then, Sir, the statement says that they discovered that they were not getting offers, they were not getting offers which came up to the reserve bid. Once that happened, why did you not then look around ? Because your two declared objectives, which you still stand by, are that you wanted to cover up your deficit of Rs. 10,000 crores in the Budget and you wanted better equity participation.

If you wanted greater equity participation, why did you make it a family affair between your financial institutions and your banks? Why did you not go out to the open public ? Why did you not give a chance to every citizen in this country to bid or to give you proper value of the share ? The very fact that you concealed everything from the people of this country shows that you had something up your sleeve. What is up your sleeve is to ultimately pocket the difference. Why did you not sell it directly to the people ? Why was this two-tier sale, i.e. sale

to the banks and the financial institutions and then allow them to sell to the public ? Why did you not sell it directly to the public ? Then the public would have told you that this is the real value of the shares. Sir, this is the question which I now wish to ask. The Parliament met in December. This matter was on the agenda before the Parliament The Parliament was supposed to discuss it. If this matter had been discussed in Parliament, people like Kamal Morarka or people in the Lower House, distinguished Members, would have pointed out that this was the biggest fraud on the exchequer of this country, this reserve price is a fraud and that the people of this country must be allowed to complete. It has been laid down again and again by our courts that when you deal with public property and the disposal of public property, you must not only be honest but you must seem to be honest and you cannot dispose of public property except in the open with the greatest possible publicity so that everybody has an opportunity to come and bid before you and to give you the proper value. Sir, the Parliament had this matter on its agenda. Yet the Prime Minister of this country was persuaded. He was persuaded or he persuaded himself, I don't know. I will still give him the benefit of doubt. He put his signature upon the permission that this sale should take place and the matter need not be discussed in the Parliament. I charge the Prime Minister with the gravest dereliction of duty and his accountability to the Parliament that he sanctioned it. *(Interruptions)*.

SHRI V.NARAYANASAMY: Sir, I am on a point of order. ... *(Interruptions)*...

SHRI RAM JETHMALANI: Call him here. Let him answer this question. Why did he allow the Parliament of this country to be bypassed ? ... *(Interruptions)*...

SHRI V.NARAYANASAMY: How perverse is he towards the Prime Minister. ... *(Interruptions)* ...

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Mr. Virumbi, I have called your name. Mr. Virumbi, please start. ... *(Interruptions)*... How can I give him more time I ... *(Interruptions)*...

SHRI RAM JETHMALANI: Sir, only two questions more.

SHRI V.NARAYANASAMY: Sir, I am on a : point of order. ... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Mr. Virumbi, if you are not going to speak then I will call another speaker. ... (*Interruptions*) ...

SHRI SANGH PRIYA GAUTAM : He has not finished. ... (*Interruptions*) ...

SHRI RAM JETHMALANI: I want to put only two questions. ... (*Interruptions*) ...

SHRI V. NARAYANASAMY: Sir, ... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Mr. Narayanasamy, please take your seat.

SHRI V. NARAYANASAMY: Why? I am on a point of order. ... (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): Yes, Mr. Virumbi. ... (*Interruptions*)...

SHRI RAM JETHMALANI: Am I not entitled to ask for an assurance that the investigation should not be ... (*interruptions*) ... given in the hands of corrupt CBI officers ? ... (*Interruptions*) ...

SHRI VITHALRAO MADHAVRAO JADHAV: Sir, he should prove his allegations. ... (*Interruptions*)... Sir, we have no objection to whatever allegations he has made. He must explain it to the House. ... (*Interruptions*) ...

SHRI V. NARAYANASAMY: He should prove the allegations. ... (*interruptions*)...

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Sir, when the Department of Economic Affairs differed from the Department of Public Enterprises in arriving at the fair value of the shares of public sector units, the Government did not try to find out the true market value of the equity in an objective manner excepting heavily relying on the quotations submitted by the selective purchasers. Why did the Government not try to find out the norms acceptable to fair-minded people ? Out of the 825 bundles offered, 406 bundles were sold for a total amount of Rs. 1,427 crores. On 22nd January, 1992, the Department of Economic Affairs sought permission to unbundle the unsold shares of the public sector units and make fresh bundles of 31 public sector units. But as reported on page 8, in para 18, in the second tranche of disinvestment in 1991-92 shares of public sector units were offered in 120 bundles. That means shares of remaining 15

public sector units were withheld, contrary to the decision which was approved by the CCEA I. therefore, want to know from the hon. Minister whether the Department of Economic Affairs or the Department of Public Enterprises did obtain any permission to rebundle in a different way. If so, why have you not mentioned it in the statement ? If it was not permitted, why has no action been taken against the persons involved in this malpractice ? The Department of Economic Affairs sought permission on from the CCEA through the same note to disinvest more than 20 per cent but less than 50 per cent since the Department of Economic Affairs assured that in no case would this involve loss of Government control. What type of companies were these ? Were they in the status of "very good", 'good' or 'average' ? Let the Minister clarify this. The CAG report has estimated that if the shares that were sold in two tranches had been sold at the reference price calculated as per the earlier proposal, the realisation would have been Rs. 3,441 crores higher than it actually was. Reasons attributed against this argument were the prospect of low yield dividend and element of illiquidity. Government thought, it would erode the investors' interest. Further, you have taken in your hand a thing trading argument. But you have not given the full picture. How can we come to any conclusion simply by verifying only one transaction made by UTI ? Now I come to the fixed price vs bidding argument. It is also not correct to suppose that public offering at a fixed price instead of the bidding procedure actually followed would have fetched a higher total realisation. Rangarajan Committee report has been utilised in this statement as a supporting document But what we say is that the method of implementation of any policy should be above suspicion and even if it realised less amount than what was actually realised, the element of doubt would not have arisen at all if it was offered at a fixed price. Why did you rush up for disinvestment? This is the question which will arise here. They have said that to contain inflation mobilisation became imperative and that is why urgent action was resorted to. Government has set targets for deficit reduction and failure to meet that end—December targets—would have sent wrong signals, both domestically and internationally. What I want to point out is this. Has not the Government resorted to FDA, "Fast Disbursement Aid*", in the Aid Package announced recently by our dor or countries and the World Bank to the tune of 12 billions ? You did not feel anything about this. When they

offered only 1.4 billion for FDA you had requested for enhancement of the amount. At that time you did not worry about the wrong signals that may be sent to the world at large. What type of cheap argument have you put forth to cover up this indecent play ? Sir, what I would like to know is why, when the Department of Economic Affairs has given a note saying that it should be offered, even in the Industrial Policy and also in the Budget Speech the hon. Minister said that the shares would be offered to the public as well as the workers along with multinationals, financial institutions etc., no mention was made about this either in the DPE report or in the Department of Economic Affairs report. Why did you keep mum in this report ? As for the action, I feel that this is worse, even worse than Bofors, 20 times worse, than Bofors. It is a day-light robbery. It should be cut in the bud; otherwise, it will ruin the nation.

SHRI V. NARAYANASAMY: Thank you, Mr. Vice-Chairman, Sir, for giving me this opportunity. A controversy has been created by the Opposition on the disinvestment policy that was adopted by the Government and on the method by which the Government has disinvested its shares of the public sector companies through the financial institutions and the mutual funds. Sir, when the BJP Government was in power, the then Finance Minister, while presenting his interim Budget categorically stated about their decision to disinvest the shares of the selected public sector undertakings in favour of mutual funds and funding or investment institutions in the public sector. That was the policy decision which was taken by the previous Government. And, thereafter, our Government came into power. The present Finance Minister announced in 1991 that the Government had proposed to disinvest 15 to 20 per cent of the shares for the purpose of recouping the deficit. Thereafter, a Committee was appointed to determine as to how the shares should be valued. And the Department of Public Enterprises did the job and the Bombay-based consultants were also appointed for the purpose of pricing the shares. Sir, when the decision was taken, the Government was very much concerned to see to it that the shares were not undervalued. The Controller of Capital Issues can't also determine the value of the shares. But the Government took a concerted decision that it should not go to them for the simple reason that they might value the shares lesser than the amount that was prevailing in

the market and also the net value. Then, the Government selected 31 public sector undertakings whose shares were to be disinvested. Now the Opposition is making a hue and cry that the disinvestment policy that was adopted and the procedure that was adopted for disinvesting the shares of the company were not on sound lines and that there was corruption on a large scale. They were trying to accuse everybody from heaven to earth, the bureaucrats, the politicians, the Ministers, everybody including the hon. Prime Minister and his family members. But, they have not produced a single piece of evidence in this House to prove that any bureaucrat or any politician or, for that matter, the hon. Prime Minister and his family members were involved. It is very easy for us, as persons in public life, to cast aspersions against anybody, the Prime Minister, the Finance Minister, the other Ministers or the Members of Parliament. But it should be substantiated. Mr. Jethmalani, who is a very senior Member of this House, and his senior lawyer, know very well that what they say in the House will have to be proved. Making wild allegations for the purpose of getting something is not going to solve the problem. From the way they have put forth their views, it is very clear that they wanted to make wild allegations against the Government, against the Prime Minister, against the Ministers and also against the bureaucrats. Sir, I am putting a simple question to Mr. Jethmalani whether he can produce any documentary evidence to show that there was fraud. You cannot do it. You have nothing to say about it. You can only make wild allegations.

SHRI RAM JETHMALANI: Shall I produce video-cassettes ? ... (*Interruptions*)...

SHRI SANGH PRIYA GAUTAM : I am on a point of order. I would request you to direct the Member to put questions to the hon. Minister and not to any Member.

THE VICE-CHAIRMAN (SHRI SHANKAR DAYAL SINGH): You please put your questions to the Minister.

4.00 P.M.

SHRI V. NARAYANASAMY: I am asking the Minister also.

SHRI DIGVIJAY SINGH: He is answering on behalf of the Minister.

SHRI KAMAL MORARKA: He should be upgraded as a Minister of State. I appoint you.

SHRI V. NARAYANASAMY: Mr. Jethmalani was saying that the Government had lost Rs. 54,000 crores. Since they have not gone to the public with their shares, they have lost Rs. 54,000 crores. As I mentioned earlier, it was the then Government which took the decision to go to mutual funds and financial institutions for the purpose of disinvestment of the shares of the Central Government and the present Government, when it took over, found that it had to be followed.

I would like to quote two examples which Mr. Jethmalani also knows. When Mrs. Margaret Thatcher was the Prime Minister of the United Kingdom, there were allegations against her when she disinvested the shares of a petroleum

company and also of some other corporation, the British Telecom. These are bound to be there. When the Government started disinvestment in public sector undertakings for the first time, here or there, there may be lapses. I am not saying that it is a foolproof system. Now, we started disinvesting the shares of both sound and weak public sector units. The shares have been bundled up and a scheme was adopted. It was done by the Government. But accusing the Government, the officials and the politicians, saying that they have a hand in it without any proof, is not fair on the part of this House. We have got a tradition in this House that without any authenticity, without any recorded proof, we will not make allegations made against anybody. But if you make wild allegations, it shows that you want to have cheap popularity and do not want to help the Government in improving the system. If there are lapses, if there are some defects in the system, they should give concrete suggestions to the Government for the purpose of improving the system so that the Government will be able to gain in this. Therefore, I am pained to say in this House that on such an important matter, the hon. Members from the other side started hurling allegations against the Government, against bureaucrats and against everybody on earth instead of giving concrete suggestions.

I would like to ask the hon. Finance Minister two questions. One is, while valuing the shares, I want to know whether the Government has taken into consideration the assets, i.e. the fixed assets—land value of the properties—of the public sector undertakings because the land value now-a-days is shooting up. I would like to know whether this was also considered by the Government while valuing the shares and living the value. The second is, you appointed a

Bombay-based consultant firm and they submitted the first volume of their report on 10th December and on 10th December, you went to the public for the purpose of bids. Why did you take a decision in such a haste instead of waiting for the report to come and evaluating it? You should have evaluated the report and then gone to the market for the purpose of disinvestment. Why I am saying this is because three reports were submitted on 10th, 12th and 18th of December. Why did you take a decision within such a short time even before the other reports were submitted? Even after the bids were called for, I would like to know whether you have considered the report of the consultants or not. I would like to know from the hon. Finance Minister on these two important things.

Thank you, Sir.

SHRI JAGMOHAN (Nominated): Sir, as usual, my turn comes last and much has already been said. However, I would like to indicate a few points. One is, this is not an opinion given by an ordinary person. This is an opinion given by an expert body, an experienced body like the CAG. The best way of proceeding further in the matter is to have the matter thoroughly scrutinised by the Public Accounts Committee. The Public Accounts Committee is the right forum to consider this.

This is a *prima facie* observation made by the Comptroller and Auditor-General. The Public Accounts Committee should now examine the witnesses, see the records, cross-examine the people and try to find out the truth. How can we, sitting here, decide on the basis of the note what the truth is? We cannot do it and it has to go to the Public Accounts Committee which will examine the issue, cross-examine people and make a detailed examination of the case. Now, there are 14 Members of the Committee and all of them can be called individually and asked as to how it is that only four were taking part and others did not participate. So, these things can be ascertained. To cut short a long story, I would only say that the PAC should consider this issue in depth, scrutinise it and come back to the House as quickly as possible and, thereafter, a meaningful and a purposeful discussion can take place. All that I would request the Finance Minister to do is give an assurance to the House on behalf of the Government that if the Public Accounts Committee comes to the conclusion till at there has been an error of judgment or there has been something over and above an

error of judgment then they would consider this issue in depth again.

The second thing that I want to mention is that the honourable Finance Minister knows very well that this type of disinvestment was done in the United Kingdom also. What was the procedure adopted at that time? It would be helpful to us if that procedure is indicated and we would be enlightened if it is made known whether that procedure to get the best value for the shares of the public sector undertakings has been followed or not.

Another thing that strikes me is this bundling. To me, this bundling looks very mysterious. I am not an accountant. It seems to me to be one of the procedures which the bureaucrats and others usually adopt to create diffusion of responsibility. They accumulate so many things and nobody can find out who is at fault. I am reminded of a joke; actually, it is a fact. A Deputy Secretary to the Government forgot to deal with a file which had to be sent to the Home Secretary and then he suddenly realised that he had kept this file in his almirah. The Home Secretary at that time was a very tough person and if he took that file to the Home Secretary then, he would lose his job. So, he was very very perturbed. Then, a Section Officer came and asked him, "Sir, why are you so perturbed?". The Deputy Secretary said, "This is the fault that I have committed and I have no explanation to offer." Then the Section Officer said, "Don't bother. Sir. I will record such a confusing note that nobody would be able to ascertain who is at fault and by that time the Home Secretary would have retired. By the time the file comes back to you, he would have retired". So, this bundling and raising such issues are some of the ways of diluting the responsibility and that is what, I think, we should be very careful about. I think the observation made by the CAG is very pertinent which, I think, has not been convincingly replied to in the note.

The Vice-Chairman (Shri V. Narayanasamy)
in the Chair

The CAG asks whether the computation of the value of the shares for disinvestment was done even before the fixation of the reserve price of shares of each PSE. The rational method of bundling cannot be ascertained unless this step is taken first. So, this is the issue, whether there has been some sort of the Section Officer-type of device of confusing people or not.

The other thing is about wider participation. That is one of the arguments given that their objective was to secure wider participation of equity shares. I wonder whether this objective has ultimately been realised. It has not been realised because we know that the shares have been cornered by a few individuals who have made profits.

Another point that arises is that the Finance Minister, in the ultimate analysis, has said that this matter is being inquired into. It would be much better if he clarifies what is being inquired into, at what stage the inquiry is, what the precise thing which is being inquired into and what it is trying to do.

Another thing that has been mentioned is that we were in haste because the fiscal deficit had to be accounted for before the 31st March. But earlier three methods were indicated to determine the share value and, ultimately, when the Suresh Kumar Committee was appointed, they abandoned all the three methods.

I cannot understand why they bundled it so lightly. If the response was not positive and if there was some problem, then it was all the more reason why we should have proceeded slowly with it. And particularly when it is stated in the note itself that we were trying to explore uncharted areas, it was all the more reason why more caution and care should have been exercised when the area was uncharted. And I don't think much would have happened if we had not disposed of by 31st March. After all, it would have been in April. In April, the same impact on the economy would have happened. These are the six points which I have, and which may be looked into.

And, Sir, there is another point about fiscal deficit. Although it is a little light at the same time it is very serious. Why do the fiscal deficits happen in our country? It is because we are not looking to the areas where the economy can really be affected. We know very recently what our Chief Election Commissioner has done. He has given a statement in the press that "now good sense has prevailed and I have modified my order." But will anybody in this House consider what the cost is of changing from bad sense to good sense? How much money this poor country which is in debt has paid for this type of transfer from bad sense to good sense? Nobody calculates those costs, both visible and invisible.

SHRI SUBRAMANIAN SWAMY: He did not say 'good sense' on him.

SHRI JAGMOHAN : May be. But this is what he said—good sense. The issue is that if we really want to control fiscal deficit, these are the visible and invisible costs—so much of litigation, so much of payment being made to different people—which also need to be looked into. Although it does not arise out of this, I thought this is the point which the nation should look into. Thank you, very much.

SHRI RAJENDRA PRASAD MODY (Rajasthan): Mr. Vice-Chairman, Sir, the disinvestment of shares in public sector enterprises has invited wide criticism from the media. The Comptroller & Auditor-General's report is quite an indictment by itself. The ex-Secretary, Department of Public Enterprises, Ministry of Industry, says that the CAG report is a clerk's

report. When questioned further, he says, "Don't ask me. The rules of public sector disinvestment were all laid down by the Finance Ministry." The Finance Ministry says, "No, the entire responsibility was that of the Ministry of Industry, so much so, that even the particular combination in each bundle would also be decided by the Department of Public Enterprises." There is too much confusion. One should be able to first identify which agency is responsible for this given situation. Be that as it may. Sir, it is very unfortunate that such a large disinvestment in the country has been handled in such a cursory manner, if I may use the word. Sir, when Margaret Thatcher first proposed privatisation and when companies like the British Petroleum, then you could walk into any branch of any bank in the whole of the United Kingdom, fill in a form, tender your money, and the computer decides, since there was large over-subscription, that this will be your allocation. Millions of countrymen became the holders of the country's national asset. Here we are saying that we could not resort to this because of the urgency of the situation, because there was fiscal deficit to be contained, inflation had to be taken care of, and visibly we had to tell internationally and within the country that we are serious and we intend to contain it.

Sir, there can be situations when somebody has to handle it in that manner. But given that situation, it was all the more reason that you do not confuse the whole affair by creating bundles.

The shares that have been sold are prime assets of such great value that even if one particular company's shares were picked up. Rs

3000 crores would have been immediately recovered. I will just give you an example of a company. Steel Authority of India Limited. The average price realisation at which it was sold is at Rs. 13/-. Tata Steel at a time when the stock market was high, was quoted at Rs. 300. The Rs. 10/- scrip was quoted at Rs. 300/- and at the time when the stock market today is at its lowest ebb given the scam and the consequential effects of it, it is still quoted at Rs. 170/- even today. It is a fact today that the performance of the Steel Authority of India Limited is better than that of Tata Steel. With that given scenario, what should be the price of the Steel Authority? Rs. 4000 crores is the equity paid-up capital of the Steel Authority of India Limited. The Steel Authority went on record, and also the IPCL, both—these two companies—and they specifically advised and also communicated through their administrative Ministries that 'Please, don't disinvest our shares because we intend to go to the public shortly and, therefore, it is imperative that no price is fixed which could harm our interest in going public' In this given situation, still they were sold and I might submit—and I would like to show the confusion—that by a mere sale of the large number of shares of Steel Authority of India Limited—20 per cent is a very confusing figure because percentages often present a different configuration; the share scrips were 19 crores and 90 lakhs, we are not talking of this value but of shares scrips each worth Rs. 10 were sold and these scrips alone were more than enough to have recovered the deficit if these shares were to get just Rs. 100/- Therefore, my first question as a clarification would be, how come that SAIL and IPCL were included in this bundle at all despite the advice to the contrary' of the P.E.C. and the administrative Ministry? Disinvestment of shares in Cochin Refinery' and Andrew Yule which were listed on the stock exchanges and which was contrary to the Government decision, have also been included in the bundle. How was this done ? Besides the urgency, the question that arises is, we are told, well at least one cannot challenge the bonafides. Sales have been made either to the banks or to the financial institutions or to Government Mutual Funds. Government Mutual Funds or private sector mutual funds do not make any difference The owners in the ultimate analysis are their members whether promoted by the Government or privately. Even then, national property, national assets cannot be given away even to banks or the financial institutions. What is national asset must remain with the Govern-

ment of India and the largesse cannot be distributed in this manner to the banks or to the financial institutions either.

Just to give an example, there is a bundle No. 61. This is one example that I quote. This was sold for Rs. 8 crores. This bundle was sold by the bank for Rs. 13 crores and together with this bundle of Rs. 13 crores, some 17 crores worth of loss in linked debentures were added, thereby making the total cost of the bundle at Rs. 30 crores. The broker buys it at Rs. 30 crores and plans to sell it at Rs. 38 crores. So, by clear admission, something that was sold for Rs. 8 crores will recover some Rs. 40 crores, which means five times the value, it means it was under-valued — (*Time bell*). I thought it was a maiden speech and there would be some more lime. I thought the matter was quite important. But if you want, I can close the discussion right away.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I was told that you made your maiden speech yesterday.

SHRI RAJENDRA PRASAD MODY : You were in the House, Sir.

SHRI SIKANDER BAKHT: It was a supplementary.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : I was informed like that. I do not know. All right, you can continue now.

SHRI RAJENDRA PRASAD MODY: Is anybody so naive, any person with no financial knowledge, no background, whatsoever, to explain to us that you can make a bundle of very good, good and average shares and you are going to realise more money in the process ? Is anybody so naive that he is going to sell his shares or recover his money and say that if you make this bundle, perhaps, you can get a better price? This bundling was done intentionally. I will tell you why.

I have made a calculation. Out of these 30 companies, I selected 16 companies at random. Ten of these companies are very good and good companies. The rest six companies are average companies. I find that 46.88 crore scrips—I am not talking of the value which would be about Rs. 460 crores—represent very good shares. The average shares are only 8 crores and 51 lakhs. This means, if you are saying that you are selling 20 per cent shares of Steel Authority of India Limited, you are selling 200 crore shares.

On the other hand, in the case of the Dredging Corporation of India, which are average shares, the sales are only 1.44 per cent and the total number of shares is only 4 lakhs. If you are selling the shares of M.M.T.C., which are average shares again, you are selling only 0.67 per cent and, in absolute numbers, you are selling 3.34 lakhs shares only. Here, you are talking about 47 crores of good shares versus 8 crores of average shares. In such a case, how on earth could a bundle be ever prepared which would be able to give you a good price for the shares, not to talk of companies like the Cochin Refineries ? At that, point of time, the shares of Cochin Refineries, for example, were quoted at a very high price. People were prepared to pay even Rs. 500 for a share. The shares were not available in the market at any price. Such shares, which are a national asset, such shares of high value, have been disposed of at very low prices.

The point at issue is this. The C.A.G. report is merely based on D.C.F. value. In true terms, these shares would have realised such substantially higher prices as are mind-boggling. Let us take a simple example. The Steel Authority of India Limited is worth Rs. 4,000 crores in terms of its equity value. All the steel plants of the Steel Authority of India Limited, Rourkela, Bhilai, Durgapur and Bokaro, put together, are worth Rs. 4,000 crores plus the loans of the Steel Authority of India Limited. At this price, you cannot set up even one steel plant in the country today. Such is the manner in which the shares of Steel Authority of India Limited and the shares of such other concerns high-value shares, have been disposed of. One reads into this something.

Now, in the case of the Steel Authority of India Limited, they have gone on record where they have told the Government that they are prepared to pay back equity worth Rs. 3,000 crores. They have said that they are prepared to refund the equity money. Steel Authority of India Limited is worried because its share fetches only Rs. 13. Can you imagine a public

sector undertaking being prepared to payback to the Government Rs. 3,000 crores? They say 'We are in a position to refund Rs. 3,000 crores back to you'. They are prepared to refund 75 per cent of the equity back to the Government.

I.P.C.L. would be an excellent example. It has done a deal with an N.R.I. for getting Rs. 600 crores as loan in foreign exchange for setting up a new plant. The I.P.C.L., in turn, has given 3

per cent of its equity and accepted part of the loan as repayment to the N.R.I. It is worth calculating to see what is the price it has recovered in the process for its equity.

As matters stand now, if the Ministry of Industry, as the Ministry of Finance says, is responsible for the entire operation, it really behaves of the Ministry of Finance and it is absolutely necessary' that the Ministry of Finance goes into it thoroughly. The operation is of such a magnitude. The assets of the country of such high value have been disposed of in a manner so casual, particularly, when the country is suffering and needs such large inputs. Incidentally, there is going to be another fiscal deficit. It is obvious that at least by now something should have been done to recover on a more scientific and systematic basis. The important thing that I am trying to impress on the House is that the atmosphere being vitiated and charged, as it is. don't you think that transparency in Government work is absolutely essential? Transparency is definitely missing May I ask, as my last clarification, that two annexures may be placed on the Table of the House? One annexure should give us the details of the names of PSEs whose shares were sold; the category of the PSEs, i.e. their share were classified as 'very good', 'good' or 'average*'; the number of shares disinvested; the percentage of disinvestment of equity; the original reserve price per share based on the best of two averages of NAV, PECV and DCF: the revised reserve price fixed by Government as the average of NAV plus PECV: the net realisation per share and the market value on or about the date of sale, wherever possible.

The Second annexure that might be placed on the Table of the House should give the bundle number, the quantities of shares comprised in each bundle. That would give a fair picture which is not available to the House at the moment either by means of this note or otherwise, to be able to make a good assessment of what exactly has been done. I fail to reconcile myself to the situation that when it comes to average shares, the average shares have been sold off only in small percentages—0.67 per cent 0.27 per cent. 1.44 per cent and 3.64 per cent. These are the average ones. The shares of the excellent or very good ones have been sold at 20 per cent and less—whether you take Madras Refinery, whether you taken Mahanagar Telephone Nigam, Hindustan Petroleum, Bharat Petroleum, Bharat Heavy Electricals.

Indian Petro Chemicals or you take Steel Authority of India.

Thank you, Sir

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Shri Sikander Bakht. Only five minutes because your party's time is over.

प्रियजित के नेता (श्री सिकन्दर बख्त) : जो हुक्म आपका सरदार साहब । मैं वैसे ही कुछ छोड़ी सी परेशानी में था । जो बात असल में मुझे कहनी थी और जिन लोगों के सामने कहनी थी, यह बदकिस्मती से मौजूद नहीं है । मुझे अपनी इस बात को बहराते हुए यह अफसोस है कि शायद जो तरीका अखिरात किया गया है फाइनेंस मिनिस्टर साहब से इस चीज़ का जवाब दिलवाने के लिए, मुश्किल है कि कुछ लोगों को यहाँ जो सवालना उठ रहे हैं उन सवालना की रोज़नी से बचाने की कोशिश की गई है । सरदार साहब, मैं आपने जैसे कि कहा, सिर्फ़ किसी सवाल करूँगा । थोड़े हिस्से को अगर आप माफ़ना कह सकते हैं तो आप कह सकते हैं । डॉक्टर साहब के स्टेटमेंट का गहला सफ़ा बहुत ठस है । उस में एक नहीं दर्जनों जुमले हैं ।

† نیتا اور ودھی دل "شری سکندر بخت" :
جو حکم آپ کا صدر صاحب - میں ویسے ہی
کچھ تھوڑی پریشانی میں تھا جو بات اصل میں
مجھے کہنی تھی اور جن لوگوں کے سامنے کہنی تھی
وہ بد قسمتی سے موجود نہیں ہیں مجھے اپنی اس
بات کو دھراتے، مونتے یہ افسوس ہے کہ شاید
جو طریقہ اختیار کیا گیا ہے - فائنانس منسٹر صاحب

سے اس چیز کا جواب دلوانے کے لئے ممکن
ہے کہ کچھ لوگوں کو یہاں جو سوالات اٹھا
رہے ہیں ان سوالات کی روشنی سے بچنے
کی کوشش کی گئی ہے - صدر صاحب -
میں آپ نے جیسا کہ کہا صرف کر سب
سوال کروں گا - تھوڑے حصے کو اگر آپ

بھاشن کہہ سکتے ہیں تو آپ کہہ سکتے ہیں۔
ڈاکٹر صاحب کے اسٹینٹ کا پہلا صفحہ
بہت ٹرس ہے۔ اس میں ایک نہیں درجنوں
جملے ہیں۔ [

For instance, "has been conducted properly with full Cabinet authority and with no impropriety", "to public sector mutual funds, banks and financial institutions and even the decision...", "was alleged that the programme of disinvestment was implemented in haste, on account of commitments, etc... are not right. I would like to state categorically that those criticisms are entirely unfounded." etc. etc.

इसका तमाम जो लम्बोलाहड़ा है, वह ऐसा है कि आपने सब चीजों को यह साबित कर दिया कि किसी की कोई गलती इरम्यान में नहीं है। इस लम्बोलाहड़े से बिल्कुल दूर कर आपके आशिरी सफे का जो लम्बोलाहड़ा है, वह बिल्कुल नर्म है। यह जो लम्बोलाहड़ा है, इसके तन्दर कुस एंगल इस किस्म के आए है कि गलतियों का जो सहसाय है कि

۱۱ اس کا تمام جلوب ولہجہ ہے وہ ایسا ہے کہ اپنے سب چیزوں کو یہ ثابت کر دیا کہ کسی کی کوئی غلطی درمیان میں نہیں ہے۔ اس لب ولہجہ سے بالکل ہٹ کر آپ کے آخری صفحہ کا جلوب ولہجہ ہے وہ بالکل نرم ہے۔ یہ جلوب ولہجہ ہے اس کے اندر کچھ ایسا شکل اس قسم کے آئیں ہیں کہ غلیظوں کا بھی احساس ہے کہ۔ [

"If by chance the sale took place at an under-priced level, the benefit would accrue to public sector."

ये सभा नहीं

But at least you have accepted:

میں سمجھا نہیں۔

यह इसको इमकानात हो सकते हैं कि जो ग्रेयर बेचे गये हैं उनको
केंटर प्रहस किया गया हो । मुझे खफास है सदर साहब कि दो
हुनियाली चीजों की तरफ त्वज्जो नहीं की गई हैं ।

یہ اس کے امکانات ہو سکتے ہیں کہ جو
خیر بچے گئے اُن کو انڈر پراس کیا گیا ہو۔
مجھے افسوس ہے صدر صاحب کہ دو بلیا کی
چیزوں کی طرف توجہ نہیں دی گئی ہے۔

What is the dimension of the irregularities
lure ?

किता उपयुक्त इन हरेगुलैरिटीज में इन्फाल्फ हो सकता है ।
अनुभारार में भी, सी. ए. जी. में भी उसका अलग-अलग
इन्फेन्शन मुकर्र किया गया है, कहीं 3 हजार कुछ कहा गया है,
कहीं 8 हजार कहा गया है, कहीं 12 हजार बताया गया है । ले
जिस तरीकें से हम इस डिस्फेशन को हैंदिल कर रहे हैं उसका
कोई रिसेजनशिप डाइमेंशन आफ फाद से बिल्कुल नहीं
है ।

दूसरा मैं यह कहना चाहता हूँ कि जिन लोगों को बरफ़ोकस लेना चाहिए था इस तमाम सिद्धांतन का उन लोगों को समझाकर और व अंदर, सामने लाने से—कोशिश की गयी है कि एकदम उनको बचाया जाए ।

मैं सवालस्त करना शुरू करता हूँ। एक तो मेरे मोहतरम केस यहाँ तशीरीफ नहीं रखते हैं। एक तो ये बहुत, मोहतरम, यह है कि ये भी काफी नामुनासिब जायमी है कि इन्होंने बिछारी हुई बहस को सही मुकाम पर हाँ दिया और एक दरिज को कूड़े में बंद कर दिया है—कमल मोरारका ने। मैं करीब-करीब तो कुछ कहना चाहता हूँ वह उन्होंने कब दिया है। अजोब बेसाई साहब बड़ा नहीं है। उन्होंने यता नहीं कौन-कौन से सन की, जैन-सी हुकुमर की और कौन-सी सरकारों की बातें की। यह भिमराव तो बंद हफ्तों का है। बंद हफ्तों का भी इतना है कि अगर बुनियादी तौर पर उसको प्रेक्स करें तो मिडिल आफ विसमर 1991 से लेकर धनवरी के 1992 के पहले हफ्तों में सब कुछ दिया पाँचा हो गया, जो कुछ करना था वह कहीं से कहीं पहुँचने की क्षम है। सवाल यह है कि क्या-क्या तरीके भरते गये हैं। इसलिए मैं पारहनेस मिनिस्टर साहब की छिदमल में जहाँ कबयम कि सी.ए.सी.की रिपोर्ट जो है वह पटिनेंट है एक-एक चीज को करते हैं। मैं पूरे—एक-एक प्वाइंट तो ले ले नहीं सकता। सचर साहब ने कहा है कि मुझे पाँच मिनट से ज्यादा नहीं है। मैं प्रचना चाहता हूँ कि 07014 मेम्बरों की ओर एक

†[] Transliteration in Arabic Script

कमेटी बनायी गयी जिसे तमाम टाईकशंस को खोवरसी करना था उनमें से कितने लोगों ने इसमें हिस्सा लिया। जिन 10 मेम्बर्स ने उस डाक्यूमेंट पर अपने हस्ताक्षर नहीं किये जिस डाक्यूमेंट ने तयराज किया था जिस-इन्वेस्टमेंट आफ शेयर्स को। वहाँ ? क्यों नहीं किया ? और वे कौन लोग थे ? इसमें सिर्फ चार आदमी थे जिन्होंने उसमें हस्ताक्षर किये हैं जिनमें से हजारास तो वे थे कि उनके आफिशियल रिश्ते से आया आती रिश्ते एक दूसरे से हैं और जिन्होंने मुतासिर किया है पूरे के पूरे जिस-इन्वेस्टमेंट के मामले को। हम जिस-इन्वेस्टमेंट के फलसफे पर बहस नहीं कर रहे हैं। हम तो सिर्फ इस बात पर बहस करना चाहते हैं कि जो गवर्नमेंट के शेयर्स बेचे गये क्या हमने मुनासिब एडविसातें यह कर लीं कि बेहतर से बेहतर कीमत उसमें मिल सके।

दूसरा, वाकई एक सवाल शायद गुणदास दास जी ने किया था कि वे कौन से बुद्धि हैं, स्टेटेजिक कंसलटेंट जिन्होंने रिगार्डिंग इ फिक्सिंग आफ इ रिजर्व प्राइस कुछ मशिवरा दिये। वह उनका मशिवरा क्या था और उनका मशिवरा मंजूर हुआ कि नामंजूर हुआ या किस अंग पर टूटा उसका कुछ खता-पता नहीं चलता है।

Was it mandatory that all the PSU shares to be disinvested had to be first listed in the Stock Exchange to determine their real market

क्या उसकी कोई कोशिश की गयी मार्केट वैल्यू को मासूम करने की, क्या स्टॉक एक्सचेंज में लिस्ट किये गये ?

The off-loading of the shares through the Stock Exchange is also one of the mandatory conditions.

अब ये दोनों की दोनों—इन दोनों ज़रूरतों को एस.जी.आई. और इलाहाबाद बैंक ने बीच किया। जिस वक़्त जिन पी.एस. यूज को सिलेक्ट किया गया कि जिसमें से 20 परसेंट शेयर्स किया जाए, क्या उस स्ट्रेज पर पी.एस. यूज को कंसल्ट किया गया ? जिस वक़्त उनके शेयर्स की कीमत मुक़रर की गयी क्या उनको कंसल्ट किया गया ? जिस वक़्त उनके शेयर्स की कीमतों को हाइल्यूट किया गया क्या उनको कंसल्ट किया गया ?

अब यह बंदल प्राइस तो कितना आदिदी है। हाइल्यूशन कितने होविल पर हुई है प्राइसेज की ? अब पहलम तो सवाल यह है कि प्राइसेज का फिक्सेशन ही अब कबसे में पड़ चुका है कि वह इररुस था कि नहीं था। यह किस स्ट्रेज पर हुआ ? यह कंसलटेंट सडिबान ओ वे उनके जरिये से हुआ या आपने ओ कमेटी बनायी थी उनकी मंजूरी के बाद हुआ। लेकिन ओरिजिनल प्राइसेज की क्रेडिबिलिटी ही इस्टेब्लिश करना मुश्किल है आपके लिए।

Whatever the original price, it was tampered with at the bundle levels.

बंदल होविल पर क्या ठन्डीली की गयी है प्राइसेज के अंदर ?

Then the prices of the bundles were reduced. The buyers could sell them overnight for a lot of profit.

क्या वे तमाम सुरतें नजर नहीं आती थीं हमारे शेयर्स को बेचने वालों को ?

कि आज किसी ने शेयर खरीदा है, उसने मुनाफे में बेच दिया, वह तो हो सका, लेकिन हमारे शेयर बेचने वालों को यह नजर नहीं आया कि इसमें कोई वह हो सकता था।

तो साहब, अब इनीश्ल स्ट्रेज पर मैं नाम वाकई नहीं लेना चाहता कुछ लोगों का, लेकिन न सिर्फ इसके कि इस डिपार्टमेंट से मुतलिक देश के प्रधान मंत्री का है, जिनको इसका बयान देना चाहिए या और कर्पोरफिकेशन के मोके पर हाऊस में मौजूद होना चाहिए था। बल्कि उनके अपने स्टॉफ का सीनियरमोस्ट आदमी—(सबका जी छोटी)—इसमें इनवल्वड है और उधर टी.पी.ई. में और टी.पी.ई. के अलावा इंडस्ट्री डिपार्टमेंट के सेक्रेटरी हो गये हैं। उनके इरम्यान सब कुछ तय हो रहा है।

Why were the stocks not listed with the stock exchange ?

मुझे यह बताना है आप कि ओपन बिडिंग क्यों नहीं की गई इन शेयर्स के लिए, क्यों नहीं रखा गया खुली मार्केट के अंदर ?

वह बातें इस कंड हैं। आपने छोटी बजा दी है, तो मैं क्या कहूँ। तो साहब, फाइनेंस मिनिस्टर साहब मुझे माफ करेंगे—मुझे अब तक लगता है कि यहाँ ओपेरेट का मामला हो के चुका है, यहाँ आजकल सेक्यूटी स्कैम का मामला चल रहा है। वह जिस-इन्वेस्टमेंट का मामला क्या इनमें से किसी एक मामले में से छोटा है ? इसको सरकार इतना लाइटली लेने की कोशिश कर रही है, क्या मतलब है। मेरा खयाल यह है कि हम लोगों में करप्शन फैला है और तैयारी कर रहे हैं—मैं उन उफसीलत में नहीं आना चाहता कि डेफिसिट कम करने के लिए कितने की ज़रूरत थी और कितना हासिल कर लिया और कितनी जल्दी हासिल करना था। लेकिन तीन हफ़्तों के अंदर यह सब कुछ टाईकशंस पूरी कर सी गई। जहाँ आपके यहाँ कहा गया कि कोई डेस्ट से काम नहीं लिया गया, वो हफ़ते दिसम्बर 1991 के और एक हफ़ता जनवरी 1992 का, इन तीन हफ़्तों के अंदर सारी टाईकशंस पूरी कर ली गई। क्या कहें इसको ? मुझे बहुत लफ़सोस है, सरदर साहब—

A terrible fraud has been played with the Government exchequer. I am sorry to say that the Government is taking it very lightly.

کی۔ کونسی حکومت کی اور کونسی سرکاروں کی باتیں کیں۔ یہ معاملہ تو چند ہفتوں کا ہے چند ہفتوں کا بھی اتنا ہے کہ اگر بنیادی طور پر اس کو فوکس کریں تو مڈل آف ستمبر ۱۹۹۱ء سے لے کر جنوری کے ۱۹۹۱ء کے پہلے ہفتہ میں سب کچھ تباہ پانچ ہو گیا۔ جو کچھ کرنا تھا وہ کہیں سے کہیں پہنچانے کی بات ہے۔ سوال یہ ہے کہ کیا کیا طریقہ برتے گئے۔ ہیں۔ اس لئے میں فائنٹس منسٹر صاحب کی خدمت میں عرض کروں گا کہ سی۔ اے۔ جی کی رپورٹ جو ہے وہ پریٹنیٹ ہے۔ ایک ایک چیز کے بارے میں۔ میں پورے ایک ایک پوائنٹ کو لے نہیں سکتا۔ صدر صاحب نے کہا ہے کہ مجھے پانچ منٹ میں سے یادہ نہیں۔ میں پوچھنا چاہتا ہوں کہ چودہ ممبروں کی جو ایک کمیٹی بنائی گئی ہے۔ جسے تمام ٹرانزیکشنس کو اوورسی کرنا تھا۔ ان میں سے کتنے لوگوں نے حصہ لیا۔ جن دس ممبرس نے اس ڈاکو مینٹ پر اپنے ہستا کشر نہیں کئے۔ جس ڈاکو مینٹ نے اٹھور ائرز ڈکيا تھا۔ جس انویسٹمنٹ آف شیئرس کو۔ وہائی۔ کیوں نہیں کیا۔ اور وہ کون لوگ تھے۔ اس میں صرف چار آدمی تھے۔ جنہوں نے اس میں دستخط کئے ہیں جن میں دو حضرات تو وہ تھے کہ ان کے آفیشیل

[شری سکندر بخت «جاری» کتنا بروہیہ ان آر ریگولر ٹیز میں انوالو ہو سکتا ہے۔ اخبارات میں بھی سی۔ اے۔ جی۔ میں بھی اس کا الگ الگ ڈائی مینشن مقرر کیا گیا ہے۔ کہیں تین ہزار کچھ کہا گیا ہے کہیں آٹھ ہزار کہا گیا ہے۔ کہیں بارہ ہزار بتایا گیا ہے۔ تو جس طریقہ سے ہم اس ڈسکشن کو ہینڈل کر رہے ہیں اس کا کوئی ریلیشن شپ ڈائی مینشن آف فراڈ بالکل نہیں ہے۔ دوسرا میں یہ کہنا چاہتا ہوں کہ جن لوگوں کو پرفوکس ہونا چاہئے تھا اس تمام سچویشن کا۔ ان لوگوں کو «سم ہاؤ آر دی ادر» سامنے لانے سے کوشش کی گئی ہے کہ ایکدم ان کو بچایا جائے۔ میں سوالات کرتا شروع کرتا ہوں۔ ایک تو میرے محترم دوست یہاں پر تشریف نہیں رکھتے ہیں۔ ایک تو یہ بہت۔ محترم۔ یہ ہے کہ یہ بھی کافی نامناسب آدمی ہیں کہ انہوں نے بکھری ہوئی بحث کو صحیح مقام پر لا دیا۔ اور ایک دریا کو زے میں جھک کر دیا ہے۔ مکمل موراد کا نہ۔ میں قریب قریب جو کچھ کہنا چاہتا ہوں وہ انہوں نے کہہ دیا ہے۔ جلیش ڈیپائی صاحب یہاں نہیں ہیں۔ انہوں نے پتہ نہیں کون سے سنہ

رشتے سے زیادہ ذاتی رشتے ایک دوسرے سے ہیں۔ اور جنہوں نے متاثر کیا ہے پورے کے پورے ڈس انویسٹمنٹ کے معاملے کو۔ ہم ڈس انویسٹمنٹ کے فلسفہ پر بحث نہیں کر رہے ہیں۔ ہم تو صرف اس بات پر بحث کرنا چاہتے ہیں۔ کہ جو گورنمنٹ کے شیئرس بیچے گئے کیا ہم نے مناسب احتیاطیں یہ کر لیں کہ بہتر سے بہتر قیمت اس میں مل سکے۔ دوسرا واقعی ایک سوال شاید گرو داس داس جی نے کیا تھا کہ یہ کون سے بزرگ ہیں۔ اسٹریٹیجک کنسلٹنٹ جنہوں نے ریکارڈنگ دی فلنگ آف دی رزرو پرائس کچھ مشورہ دیا۔ وہ اُن کا مشورہ کیا تھا۔ اور ان کا مشورہ منظور ہوا کہ نام منظور ہوا۔ یا کس جگہ پر ٹوٹا۔ اس کا کچھ اتنا پتہ نہیں چلتا ہے۔

Was it mandatory that all the PSU shares to be disinvested has to be first listed in the Stock Exchange to determine their real market value?

کیا اس کی کوئی کوشش کی گئی۔ مارکیٹ ویلیو کو معلوم کرنے کی۔ کیا اسٹاک ایکسچینج میں لسٹ کئے گئے۔

The off-loading of the shares through the Stock Exchange is also one of the mandatory conditions.

اب یہ دونوں کی دونوں۔ ان دونوں ضرورتوں کو ایس۔ بی۔ آئی۔ اور الہ آباد بینک نے بریج کیا۔ جس وقت جن پی۔ ایس۔

پوز۔ کو سلیکٹ کیا گیا۔ کہ جس میں سے بیس بریڈینٹ سیرس کیا جائے۔ کیا اس اسٹیج پر بر پی۔ ایس۔ پوز۔ کو کنسلٹ کیا گیا۔ جس وقت اُن کے شیئرس کی قیمت مقرر کی گئی کیا اُن کو کنسلٹ کیا گیا۔ جس وقت اُن کے سیرس کی قیمتوں کو ڈائلیوٹ کیا گیا۔ کیا اُن کو کنسلٹ کیا گیا۔

اب یہ بنڈل پرائس تو بالکل آر میٹری ہے۔ ڈائلیوشن کتنے لیول پر ہوئی ہے۔ پرائس کی۔ اب پہلا سوال تو یہ ہے کہ پرائس کا فکسیشن ہی اب شبہ میں پڑ چکا ہے کہ وہ درست تھا کہ نہیں تھا۔ وہ کس اسٹیج پر ہوا۔ وہ کنسلٹنٹ صاحبان جو تھے اُن کے ذریعہ سے ہوا۔ یا آپ نے جو کمیٹی بنائی تھی اُن کی منظوری کے بعد ہوا۔ لیکن او ریجنل پرائس کی کریڈیٹلٹی ہی اسٹیبلیش کرنا مشکل ہے آپ کے لئے۔

Whatever the original price, it was tampered with at the bundle levels.

بنڈل لیول پر کیا تبدیلی کی گئی ہے پرائس کے اندر۔

Then the prices of the bundles were reduced. The buyers could seli them overnight for a lot of

کیا یہ تمام صورتیں نظر نہیں آتی تھیں۔ ہمارے شیئرس کو بیچنے والوں کو۔ کہ آج

کسی نے شیر خرید لیا ہے۔ اس نے منافع میں بیچ دیا۔ وہ تو ہو سکا۔ لیکن ہمارے شیر بیچنے والوں کو یہ نظر نہیں آیا کہ اس میں کوئی وہ ہو سکتا تھا۔

تو صاحب۔ اب اینشیل ایج پر میں نام واقعی نہیں لینا چاہتا کچھ لوگوں کا لیکن نہ صرف اسے کہ اس ڈیپارٹمنٹ سے متعلق دیس کے پردھان منتری کا ہے۔ جن کو اس کا بیان دینا چاہئے تھا اور کلیئر فیکشن کے موقع پر ہاؤس میں موجود ہونا چاہیے تھا۔ بلکہ ان کے اپنے اسٹاف کا سینئر مونسٹ آدھی۔۔۔ ”وقت کی گھنٹی“۔۔۔ اس میں انوالوڈ ہے۔ اور ادھر ٹی۔ بی۔ ای میں اور ڈی۔ بی۔ ای کے علاوہ انڈسٹریل ڈیپارٹمنٹ کے سکریٹری ہو گئے ہیں۔ ان کے درمیان سب کچھ طے ہو رہا ہے۔

Why were the stocks not listed with the stock exchange?

مجھے یہ بتائیے کہ آپ کے اوپن بلڈنگ کیوں نہیں کی گئی ان شیرز کے لئے۔

کیوں نہیں رکھتا کھلی مارکیٹ کے اندر۔ یہ باتیں اس قدر ہیں۔ آپ نے گھنٹی بجا دی ہے۔ تو میں کیا کہوں۔ تو صاحب۔ فائینانس منسٹر صاحب مجھے معاف کریں گے۔ مجھے اب تک

لگتا ہے کہ یہاں بوفورس کا معاملہ ہو کے چکا ہے۔ یہاں آج کل سیکورٹی اسکیم کا معاملہ چل رہا ہے۔ یہ ڈس انویسٹمنٹ کا معاملہ کیا ان میں سے کسی ایک معاملے سے چھوٹا ہے۔ اس کو سرکار تالا تالی لینے کی کوشش کر رہی ہے۔ کیا مطلب ہے۔ میرا خیال یہ ہے کہ ہم لوگوں میں کرپشن اور گیلور ہے۔ اور اندھا دھند کارخانوں کا۔ میں ان تفصیلات میں نہیں جانا چاہتا کہ ڈیفیسٹ کم کرنے کے لئے کتنے کی ضرورت تھی۔ اور کتنا حاصل کر لیا۔ اور کتنی جلدی حاصل کرنا تھا۔ لیکن تین ہفتے کے اندر سب کچھ ٹرانزیکشن پوری کر دی گئی۔ جہاں آپ کے یہاں کہا گیا کہ کوئی بیسٹ سے کام نہیں لیا گیا دو ہفتے دسمبر ۱۹۹۱ء کے اور ایک ہفتہ جنوری ۱۹۹۲ء کا۔ ان تین ہفتوں کے اندر ساری ٹرانزیکشن پوری کر لی گئی۔ کیا کہیں اس کو۔ مجھے بہت افسوس ہے صدر صاحبہ۔

A terrible fraud has been played with the Government exchequer. I am sorry to say that the Government is taking it very lightly.

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH): Mr. Vice-Chairman, Sir, I am very grateful to all the hon. Members who have raised the issues. I do agree with the Members that disinvestment is a serious matter. It is precisely because our Government takes it as a very serious issue that we have tried to place

all the cards on the table, how the process began, what problems we faced, at what stage Cabinet decisions were taken, how they were implemented, how some decisions taken were subsequently modified and why it was necessary. One may differ on what we did, but I do not plead guilty to the charge that we have tried to put anything under the carpet.

The second thing that I do want to say about this matter is that, as was pointed out in the last paragraph which several hon. Members have quoted, we were dealing with the disinvestment of public sector units whose shares, with the exception of two or three units, were not quoted in the market. If we were to wait for their being listed, it would have taken several months, and that process could not be delayed for the reasons I have mentioned in my statement.

It is true that we were worried about the fiscal deficit and, therefore, we tried to complete that process by December. If you say that this was haste, I plead guilty to it because we had to reduce the fiscal deficit at that time when our economy was faced with the most serious economic crisis. It was not something on which we could have simply said, "Well, let us leave the fiscal deficit to take care of itself."

At that stage if we had not reduced the fiscal deficit, the overall economic health of the country, the national and international confidence in our currency would have been gravely affected. Our ability to reduce inflationary pressures, our ability to reduce inflationary expectations and better management of balance of payments would have suffered.

Sir, several Members have raised the issue of disinvestment by the Government I have pointed out in my statement that we were disinvesting in the background of the fact that many of the public sector units never traded on the markets. So, what would be the fair price was a subject-matter about which opinions could differ. This is the case not only in our country, but all over the world. Where disinvestment has taken place, differences have arisen, perceptions do differ. The real thing is, it is precisely for this reason that we said, because we were dealing with disinvestment for the first time, there were chances that we may make mistakes, but we must make sure that if any mistakes were made, the benefit of that would not accrue to the private sector, but would go mostly to the public sector. That is why in the first stage we said we would limit the sale of these shares essentially to public sector units.

Now, a question has been raised whether there was a deliberate conspiracy to sell these public sector shares to mutual funds of the banks at a low price. The second part of the conspiracy was that these people would in turn sell at a profit or they would indulge in certain transactions with brokers. I would like to share with the House the data that I have with regard to the shares which were sold subsequently. The information that I have is that the Unit Trust of India bought over Rs. 3,040 crores of shares. All that the Unit Trust has been able to sell is only Rs. 29 crores. All the rest of the shares according to the information that is available with me, are still with the Unit Trust of India. Allahabad Bank—I think it is a mutual fund: I do not know which one, but part of that—bought for Rs. 62 crores, of which they sold Rs. 26 crores. SBI bought for Rs. 39.62 crores. They sold out of it Rs. 26.44 crores. Now, on the basis of this information, of the sales of Rs. 3,040 crores, roughly with respect to these three the sales amount to only Rs. 81 crores. Therefore, I humbly submit that from the available data it would not be proper to conclude that there was a big conspiracy to reward unscrupulous brokers, because the bulk of these shares are still with the public sector entities, which originally bought these shares.

SHRI INDER KUMAR GUJRAL: You had divided all the shares into three parts—very good, good and not so good. I would like to understand whether the ones that were unloaded subsequently were ones that were considered very good or only those which were not good or not very good. Or were they sold in bundles?

SHRI MANMOHAN SINGH: I do not have that data. I can make the information available to the hon. Member.

PROF. SAURIN BHATTACHARYA: Mr. Singh, if you allow...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Bhattacharya, has the Minister yielded or not? I do not know.

PROF. SAURIN BHATTACHARYA: Of course. Unless he yields, how can I—

SHRI MANMOHAN SINGH: I cannot answer all these questions if they...

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Let him not break his chain of thought

SHRI MANMOHAN SINGH: So many valuable points have been made and I am trying

to recollect my thoughts. Shri Jethmalani asked a question with regard to the sale of the shares. Now, I have tried to answer that question that the Securities Act does not forbid market sale. But in law—as he has pointed out correctly—these have to be spot deliveries. If there had been any forward deal, that could constitute a violation of the Securities and Exchange Act. That is why I said it is a matter which we are

investigating and if anybody is found guilty of having violated the laws of this land—whosoever he happens to be—I think he will be dealt with in accordance with the provisions of the law.... (*Interruptions*)...

Now the broad philosophy of why we resorted to the system of bundling is explained in my statement because the system of bundling was chosen as a device and we wanted to sell a variety of shares. If we wanted to sell the shares of only those companies which were traded on the market then, we would have sold the shares of only three companies. If I wanted to sell the shares of only very good companies, in that case also our options would have been limited. Along with the sale of sltrea of very good companies, we wanted to begin the process of selling the shares of companies which were average or only good. That was the reason why the system of bundling was chosen as a device. Now the question is: Does bundling get you a better price? I think there is no conclusive way of proving it. But certainly the system of bundling enables us to sell a larger variety of shares than would have been possible in the absence of bundling. It is true that if we were considering only the sale of shares of the Steel Authority of India Limited, we might have got a better price. But we would never have been able to sell the shares of just average companies. So I think whfll you want to compare, you must compare like with like. Merely by looking at the prices of the shares of the Steel Authority of India Limited, you can't conclude that we really made a loss in the bargain.

Now the second issue, I think, several honourable Members have raised is about calculation of the loss. The CAG report mentions one such figure and I have tried to explain why we consider that it is not a correct indication of the fact.

Now, imagine a case. I have a house. Rightly or wrongly I consider that house is worth of Rs. 1000. But there are no takers for that for Rs. 1000. So let us say that the market value of that house is Rs. 500. Now, are you going to say.

"I have made a loss of Rs. 500". Ultimately if you are dealing with market transactions, the only viable test is how the market views these shares. If there were no takers at that reserve price, it was certainly open to us and we could have said, "Well, we had fixed one reserve price and there are no takers for that; let us not sell." But I have explained, for example, the reasons why we were keen that along with the other objective, we must use the sale of shares to reduce the fiscal deficit. Therefore, we did not have that option. We did not also have the option to proceed in the leisurely manner which has been suggested by the Members. We were keen to reduce the fiscal deficit visibly and in the short term and given that compulsion. Therefore, when we found out that we originally fixed the reserve price which was something which nobody was willing to pay...we, therefore, decided to find out the established practice in this matter. And, the established practice in this matter until then, previously, was that shares used to be valued by the then Controller of Capital Issues. He had a particular formula. We said, "Let us, therefore, use that formula for the recalculation of the reference price." This is the background of why the reference price had to be changed. I think Mr. Morarka had mentioned that the Cabinet Committee on Economic Affairs had approved a reference price and then we changed it. The Cabinet Committee on Economic Affairs considered the note, it made certain suggestions, but it never approved that. It is when we went back, for the second time, to the Cabinet Committee on Economic Affairs that it approved the fall package. So, the implication of Shri Morarka that we had somehow violated what was decided by the Cabinet Committee on Economic Affairs is, I humbly submit, not correct.

Now, Mr. Jethmalani asked me, "Please tell us what would have been the price if you had directly sold these shares in the market." I submit to you that that option was not available to us because only three companies' shares were listed on the market and the rest of the shares were not listed. So, even if we wanted to sell them in March, 1992, that option was not available tous. Even the notional figure of Rs. 50,000 crores that Shri Jethmalani has mentioned, I respectfully submit, has no objective basis. In any case, a large number of shares were sold in December and when we sold these shares in December, 1991, we had no idea of what the price would be in March, 1992. Therefore, I

would respectfully submit that it is not possible for me to agree with his assessment of the loss at Rs. 40,000-50,000 crores.

SHRI RAM JETHMALANI: In retrospect, do you agree that in March, 1992 it would have been more? (*Interruption*).

SHRI MANMOHAN SINGH: I respectfully submit that the March figures also turned out to be artificial and inflated. If you had a large number of shares in the market, I do not think it could have been realised in that situation.

Now, Shri Jethmalani asked me what type of inquiry it was. I have answered that question as to whether there had been any violation of the provisions of the Securities and Exchanges Act. In the onward process of selling, these are the things which are being employed. If there had been any violation, we will take appropriate action. Mr. Jethmalani also referred to the huge profit on sale being shared by brokers. I have given the figures. The bulk of these shares are still with the public sector. The Unit Trust which bought over 2000 crores of shares has sold only about 29 crores. Therefore, this charge that huge profits were deliberately sought to be conferred on the brokers through the process of disinvestment, I respectfully submit, lacks credibility.

There have been several allegations about officials. Let me say, we are not in the business of covering up any official or for that matter, any Minister. If any specific, concrete, examples are brought to our notice, I assure you, we will undertake proper investigation. But, I think, it is obligatory, when people make such allegations, that they have to check the facts. For example, a reference has been made to this 14-member committee. I think the names have been mentioned here. Without going into the names, I can tell you this. For example, the name of the Principal Secretary to the Prime Minister being a member of that 14-member committee is not correct. He was not a member of that committee. (*Interruption*).

SHRI SIKANDER BAKHT: There are four people who signed. (*Interruption*).

SHRI MANMOHAN SINGH: I think it was Mr. Jethmalani who mentioned the name of the present Finance Secretary. He was not even in the Finance Ministry at that time.

Now, therefore, when you make these, allegations, I assure you.. (*Interruptions*). I am coming to that I have nothing to hide. But all I

am saying is, if you levy allegations of this type, nobody in the Government is going to work. I am worried about whether our Government will be able to take decisions in complicated matters where there is a lot of uncertainty and yet decisions have to be taken. If people have to be subjected to this sort of witch-hunting, I assure you, people will take no decisions and the Government's decision-making process would be a casualty and the interest of this country will suffer. Now, you would ask me about the fourteen-member committee. That fourteen-member committee was headed by Shri Suresh Kumar, as I have pointed out. It included Shri Ramaswamy, Chief Advisor (Costs), Department of Expenditure, Shri Vagul, Chairman ICICI, Shri Venugopal Reddy, Joint Secretary (DE), Shri H. N. Gupta, Director, Investment Division(DE), Shri M. S. Gill, Secretary, Department of Capital, Secretary. Additional Secretaries of two administrative Ministries, Shri N. Vittal, Secretary (Electronics), Shri Ashok Chandra, Secretary, Department of Petroleum, Shri R. C. Bhargava, CMD, Maruti

Udyog, Shri R. K. Waji CMD, Bharat Petroleum, Shri Jayant Rai CMD, Andrew Yule, Shri Hasmukh Shah, CMD, IPCL, representative of department of Expenditure.

SHRI SIKANDER BAKHT: Why didn't they participate in the signing of the authorised document? That is the question.

SHRI MANMOHAN SINGH : It is true that the report is signed by Shri Suresh Kumar, it is signed by Shri Ramaswamy, it is signed by Shri M. S. Gill, it is signed by Shri Ashok Chandra, Secretary, Department of Petroleum, but it is not correct that any other member submitted any note of dissent. There is no note of dissent. Therefore, I would say that all these mysteries surrounding the Committee of twenty and all that is sought to be read into it I respectfully submit bear no relation to the fact When the Committee report came up, we again consulted among ourselves and out of these consultations, we took a note to the Cabinet Committee on Economic Affairs in November when the Cabinet Committee on-Economic Affairs asked us to go back and rework and that is how the decisions were taken. Therefore, this was purely an Advisory Committee, headed by Shri Suresh Kumar, and it was not a Committee which was sitting in judgment over the Cabinet Committee on Economic Affairs.

Now, Shri Ram Jethmalani asked why we made it a family affair I have already answered

that question. It is precisely because we were afraid of any errors being made in the first ever act of disinvestment. We were keen to see that in case of any error the gain should not accrue to the private sector but should be confined to the public sector. And I would also like to point out about U.K. Several Members have asked about U.K.—what happened in the U.K. I am not an expert on what happened in U.K. But there is a vital difference between disinvestment as it has taken place in other countries and disinvestment being undertaken in India. First of all, our disinvestment is not a sale of public sector units. In the United Kingdom, the public sector units were sold lock, stock and barrel to the private sector. I dare say if we were to offer these units for sale in their entirety, we would get a much better price. But if you are saying that the Government would continue to retain control over management, the Government would continue to control the bulk of the share capital and then offer a part of the share capital for sale, I think it does not require more than ordinary common sense to conclude that you would not get the same price as you would get if you were ever to sell these units as a going concern, and this is the vital difference between disinvestment as being undertaken in India, and disinvestment, as implemented in countries like the United Kingdom.

5.00 PM.

The same answer I have to repeat for Shri Jethmalani's question—why these two-tier sales because we had no experience, we wanted to limit any possible gains that might accrue in the process to the public sector units; but in the hope that ultimately all these things would come to the market, it was because of lack of our experience that we chose this route, this two-tier route; not because of any devious consideration of enriching any particular group of brokers.

Shri Jethmalani also asked why this matter was not discussed in Parliament. Now, it was our intention that this matter should be discussed in Parliament but we all know, eg.—and I did not mean any disrespect to Parliament—that matters are listed but somehow do not get discussed and the Government's decisionmaking process cannot wait. I have already mentioned that we have dire need to reduce the fiscal deficit and, therefore, when this matter could not be discussed despite our best efforts, we would have been accused of dereliction of duty if we had said, "Because Parliament has not discussed it, we will not take any decision". I

have already pointed out the urgent need to reduce the fiscal deficit, and given the urgency, we have no option but to go ahead with the disinvestment process.

Now, some hon. Members have raised an issue about the sale to the workers, sale of a part of the equity to the workers. That process is already under way. The Cabinet has already approved the modalities of sale of a part of the shares to the workers. So, that process will be undertaken, as I had promised in my original statement.

Shri Narayanasamy raised issues about the valuing of shares—whether the net asset value takes into account the land values. I must explain to you that if you are selling only a part of the equity, you cannot really say that land is going to affect the value of the shares, because you are not going to sell that unit in its entirety. Therefore, profitability of a unit has no relation to it if simply the price of land goes up. Now I would respectfully submit that this vital aspect of difference in the disinvestment process in India harms the disinvestment process in other countries, this should not be lost sight of. It is because often this is lost sight of, and a conspiracy theory is sought to be built that hanky-panky is being done.

With regard to another question that Shri Narayanasamy asked about the report of the consultants, let me say that this was the time when we were trying to experiment. There were several people we were asking, how to go about it. And regarding the report of the consultants, whether one particular report was considered or not—these are inputs—they did not have the overriding authority. The final decisions about the broad principles of disinvestment were made in the Department of Economic Affairs and in consultation with the concerned administrative Ministries. We consulted the concerned public sector units. It is true that the Steel Authority of India and one or two units said, "Let us go to the market straightaway." At that time I had explained that we felt if we did not have the Steel Authority of India, if we did not have the Cochin Refineries, if we did not have the IPCL, then the public sector unit sale would not look sufficiently attractive and, therefore, it might not prove a success. And it was important that sometimes the first step is the most important step. We were very keen that when we put our first foot forward, it should be the foot which leads to added confidence in the sale of the public sector units. If this sale has

proved > flop, I think the whole process of disinvestment would have come to naught right in the beginning.

And, Sir, that is why we wanted to make the package sufficiently attractive so that people would have an incentive to bid for those shares.

Now, Sir, Mr. Jagmohan has raised an important issue saying that we have the Report of the CAG. I said on that very day that the Government had the highest regard and respect for the authority and the institution of the CAG. There are established procedures laid down by Parliament as to how to deal with the Reports of the CAG and these procedures would be followed. We will co-operate and I think that any modalities which Parliament may choose in handling the CAG Reports, we will co-operate and I am sure we have nothing to hide in this matter. Subsequently also I have said that if any Member knows about anything which has been wrongly done by any particular official or any particular Minister who is responsible for it, he can bring it to our notice and we will take appropriate action and we are not in the business of shielding anybody, howsoever high and mighty he might be.

Shri Jagmohan wanted to know about the procedures in the United Kingdom. I have already mentioned that I am not familiar with the procedures in the U.K. But there is a vital difference between the disinvestment process in India and the disinvestment process that was undertaken in the United Kingdom.

Now, Sir, Mr. Jagmohan has also said that if our objective was wider participation, we did not succeed. I would respectfully submit to him through you. Sir, that it was precisely because we wanted to disinvest a large number of shares that we chose this device of bundling. If we had chosen only those public sector undertakings whose shares were listed in the market, then we would have limited our option to the sale of three, and if we had limited our option only to the sale of very good units, then also the participation would not have been as wide as we intended. We wanted a broad-based disinvestment so that over a period of time, the shares of the public sector units of good, average as well as those regarded as very good were also disinvested. That was a conscious decision as part of a strategy to broad-base the public sector management and public sector accountability and also to raise resources in the process.

Now, Sir, Mr. Jagmohan also mentioned about cornering of shares.

श्री अनन्त राम जायसवाल (उत्तर प्रदेश) : आप इस चीज पर रोशनी डालिये कि टेंडर इन्वाइट करने से पहले प्राइस तय हुए थे या नहीं ?

SHRI MANMOHAN SINGH : I am sorry, I have not followed your question. Can you kindly repeat it ?

श्री अनन्त राम जायसवाल : काइस चेयरमैन साहब, मैं आपके माध्यम से यह जानना चाहता हूँ कि टेंडर जब इन्वाइट किये गये थे तो आमतौर पर यह जाना गया कि सिर्फ 5 करोड़ के थे लेकिन बाब में पता लगा 8 करोड़ के, 10 करोड़ के या 12 करोड़ के बँटल जाँचे गये। आप कृपया इस चीज पर रोशनी डालिये कि ऐसा क्यों किया गया?

SHRI MANMOHAN SINGH: I have already mentioned that reference prices were originally sought to be fixed in the manner which I have given in my statement. Subsequently, these reference prices turned out to be unrealistic because there were no bidders and that is why the reference prices were sought to be reduced. We went back to the CCI formula because we found that in this territory we had no experience and the originally fixed reference prices turned out to be grossly unrealistic. If you ask a public sector unit about the value of its shares and ask them to look at their future earning capacity, everybody paints a rosy picture and yet we know that in the management of the public sector units, very often expectations and realities turn out to be different and those who were bidding for these shares were also experts in this subject. The Mutual Funds have been in business for a long time, particularly the Unit Trust of India.

And, therefore, when they bid, they had ample time to assess the profitability of these units. And, therefore, when they bid, that was the assessment of the market. And if we wanted to sell, we had no option but to revise our expectations with regard to the reserve price. And that I have stated as candidly as I can. There is nothing more that I can add on this subject.

SHRI JAGMOHAN: What he has referred to and what I read from the CAG report is that the composition of the bundles of the shares of PSUs for disinvestment was determined even before the fixation of the reserve price. That is what he said.

SHRI MANMOHAN SINGH: I have mentioned that the fixation of the reserve price for each share known once you have a particular formula. The calculation of a reserve price is pure arithmetic. It is not something which requires, I think, any great knowledge. Any school boy could do it once you tell him what the formula is.

I think, Shri Sikander Bakhtji raised some issues with regard to the 14-member Committee—how many signed and how many did not sign. I have already given the details. He also asked about the role of the Strategic Consultants, it is a group of consultants, I understand, which was engaged by the Department of Public Enterprises. There were many consultants. They provided only the inputs. They did not have a determining influence. For that, as I have pointed out in my statement, proper procedures were adopted. He also asked: Was listing mandatory? Was off-loading through stock exchanges not mandatory? I have already answered that question in my statement that the terms of biddings stated that those who bought shares were free to unload them on the stock exchange. From this, one cannot conclude that off-market sales were *per se* forbidden. The point is, as Shri Jethmalani has raised, whether in law, these were spot deliveries or these were forward transactions. On that, there is an element of doubt. This is precisely the reason why I had stated that this is being leaked into. And if anybody has violated the law of the land, we will take appropriate action in this matter.

श्री सचिव प्रिय गोलाब : चार ने हस्ताक्षर क्यों किये और जोड़ ने क्यों नहीं किये..... (अवधान)

SHRI SIKANDER BAKHT: Arbitrarily you reduced the prices three times.

SHRI MANMOHAN SINGH: What I am saying is that there is nothing arbitrary about reducing the prices. I have already explained that in the case of one reference price, reserve price which was fixed, we found that at that price there were no bidders. Now, what were the options? One option was that if we were proceeding in a leisurely manner, we could say, we reject all bids. Then we come back and we re-look whether we had a proper reserve price or not. Now, I have already explained that we had an urgency to complete the process of disinvestment and, therefore, at that particular time, the only option that was available to us was to go

back and search whether there was any available objective method of valuing shares which had been resorted to, which had stood the test of time. And we found that the CCI's was the only tested formula for that purpose. Therefore, we went back to the Cabinet Committee on Economic Affairs saying that our earlier anticipations about reserve price had turned out to be unrealistic we do want to sell these shares. Well, now if we want to sell these shares, then in our opinion, the formula given by the CCI would be a realistic formula; all bids below that reference price, as given by the CCI formula, should be rejected. All bids above that should be accepted. And I would respectfully submit...

SHRI RAM JETHMALANI: Mr. Vice-Chairman, if you permit Sir, my seeking a clarification, does it take more than 24 hours for a Finance Minister to find out whether they were spot delivery sales or they were future sales? Why have you not found out till today?

SHRI MANMOHAN SINGH: I assure you that it is precisely that very question which I raised myself. And that is why I have added in my statement that enquiries are being made, and that we will find out. We will find out. I promise.

SHRI RAM JETHMALANI: In 24 hours you could have got this information.

SHRI MANMOHAN SINGH : We will find out. We are not going to hide anything. We will find out.

Shri Sikander Bakht asked: 'Did you consult the public sector units?' I have mentioned that public sector units, important public sector units, top managers were part of the Committee. Active consultations were held with them. I have also mentioned that one or two units were not in favour of being bundled along with others but for reasons I have explained, the Government decided that for the initial act of disinvestment to succeed, we had to make this package sufficiently attractive so that there were adequate number of bidders.

Shri Jagesh Desai raised certain issues.

SHRI MADAN BHATIA (Nominated): I can only add, Mr. Vice-Chairman, that the question whether it is a spot delivery or forward transaction is a very complicated question of law and I have handled certain matters requiring arguments over days.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): By saying this, you are trying to defend... (*Interruptions*).

SHRI MANMOHAN SINGH : Shri Jagesh Desai is not here. He did raise some questions that we should use resources generated through disinvestment for additions to public sector units. I would say that in theory, that is the ideal solution, but when you are faced with a huge revenue deficit, I think it would be only a notional act of bravado on my part that today I can promise that I am going to disinvest and that I am going to use it to reduce debt or to give it to the public sector units. Money is a fungible entity. It is quite true I raise Rs. 3000 crores; I hand it over to public sector units. But I have a huge revenue deficit. For that I go and borrow afresh. Am I really reducing the fiscal deficit ? Am I helping the public sector ? I agree with him that it is in the ideal situation that we can eliminate the revenue deficit and we use the sale of public sector assets to retire the public debt or to add to the resources available to the public-sector. But that is an option which is not available to me. I have inherited an economy with a yawning revenue deficit. We are making every effort to reduce it but it will take a period of 4 to 5 years before I succeed in that venture. Until that stage arrives, I think the assurance I give of the type that Shri Jagesh Desai wanted would be quite frankly unrealistic.

I believe I have answered most of the questions that have been raised. I thank all the hon. Members who have taken part in the debate. If there are any further questions left, I can answer.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): No questions. Finance Minister has clarified all the points raised by the hon. Members.

PROF. SAURIN BHATTACHARYA: The Finance Minister has yielded to everybody and not to me. I have one point to ask.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): He answered in general all the points raised by the hon. Members.

PROF. SAURIN BHATTACHARYA: His argument was that he had to quote from memory. I accepted it. But my point is whether utilising these resources for removing the deficit in the national budget is at par with the method followed for building up foreign exchange reserves from foreign loan.

SHRI MANMOHAN SINGH There is no relation between the two.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : No more questions. The discussion is concluded. Mr. Jaiswal, you raised two or three points and the Minister has answered. No more questions. We are now taking up discussion on the bofors issue.

DR. YELAMANCHILI SIVAJI (Andhra Pradesh): It was mentioned in the morning that the Minister of State for Home Affairs, Mr. Rajesh Pilot will make a statement in regard to Andhra Pradesh.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) •. We have received a letter from the hon. Minister.

PROF. SAURIN BHATTACHARYA:
Is
there any information ?

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now, the Minister of Parliamentary Affairs would like to say something.

THE MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY, DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI P. R. KUMAR-MANGALAM): Sir, the hon. Minister of State for Home Affairs and Internal Security will be coming soon. He has just completed his statement in the other House. He is coming here.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now, we will take up the Short Duration Discussion. Mr. Ram Jethmalani was on his legs the other day. He has to continue his speech now.

SHRI MENTAY PADMANABHAM: As soon as Mr. Rajesh Pilot comes here, Mr. Ram Jethmalani should stop.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The Minister will come here and make the statement.

SHRI MENTAY PADMANABHAM- As soon as he comes here, it should be taken up.

SHRI MOTURU HANUMANTHA RAO: The Home Minister has come, let him make the statement.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The statement is coming. Whoever is the Minister making it, there is no problem. Now, Mr. Ram Jethmalani please.

SHORT DURATION DISCUSSION

Recent Verdict of the Swiss Supreme Court relating to Bofors—Contd.

SHRI RAM JETHMALANI (Karnataka) : Mr. Vice-Chairman, Sir, pardon me for expressing a personal preference. I wish you were always in the Chair when I am speaking. It was, I think, on the 29th of July that I commenced my speech. You will recall. Sir, that I was referring to the speech made on the floor of Parliament by the then Prime Minister who invited the Opposition to participate in the task of discovery of the identity of the culprits in the Bofors deal. He said that this was a national effort and he expressly invited the Opposition to help him in discovering the real culprits.

Now that that day is drawing near, I do wish to ask.—I wish to ask because I have reasonable apprehensions to the contrary—will the wishes of the late Prime Minister be fulfilled in this respect ? Are you serious about it ? If you are serious about it, will you, at least, give us a few assurances which I wish to ask for ? Here, I want to share with you the few apprehensions which I genuinely and honestly entertain.

The first apprehension which arises in my mind has its origin in the famous television interview of the hon. Minister of State for Law. I am not talking of the portion of the interview which he has denied. I am talking of the version which the Doordarshan has published and which, at least, he himself has accepted as true. On page 6 of the script which we now have, the hon. Minister of State has said that the Bofors case was a false case, that it was a false prosecution instituted by the V. P. Singh Government. He further said that his Government could always withdraw that investigation, but they were not doing it out of regard for some public opinion in that respect

Sir, I would like to ask, how can the Opposition have confidence in any investigation being carried on by the Government where one of the Ministers of the Government, a responsible one at that has already decided that this is a false investigation instituted by the last Prime Minister, last but one Prime Minister, Mr. V. P.

Singh? It is a most ridiculous suggestion to make. It is a suggestion which must be dismissed with contempt because when we see the names that are on everybody's lips, which have been there on our lips for a very, very long time, surely, Mr. V. P. Singh had no motives to institute a false prosecution against those people. Sir, we would like to have an assurance now that the Minister will not interfere with that investigation because he says that the investigation is false and they are in a position to withdraw it. I want an assurance that the Government accepts the view that no Minister, however highly placed he may be, can ever interfere with the criminal investigation into a cognisable offence. One of the greatest Judges in England, Lord *Denning*, has said that no Minister of the Crown can tell a police constable how to conduct an investigation, to stop an investigation or to interfere with the investigative process.

Sir, I heard the impassioned speeches that day. I understand the loyalty of the Members of this House to the late Prime Minister. I understand the love and affection they bear for him but if you want to stop this investigation, do it by methods which are legal and constitutional. I am nobody to advise you, but if you want gratuitous advice on how to stop this investigation, take a political decision, take a political decision of the kind which was taken in America.

President Ford became the President of the United States after Nixon went out of office. It was an open deal that if Ford became the President, he would first proceed to pardon Nixon and other accused who were all involved in the Watergate investigation. It is a constitutional method of stopping an investigation, but investigations cannot be stopped ...

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : Mr. Vice-Chairman, I would like to say a few things. He has mentioned my name and I am entitled to clarify my position.

SHRI RAM JETHMALANI: I have no difficulty. If you want to interrupt me, you are welcome.

SHRI H. R. BHARDWAJ: I will have to because he is totally misleading the House.

SHRI RAM JETHMALANI: If you want to interrupt now, get up.