

Calling Attention to Matter of Urgent Public Importance

Re : Reported Disclosure of a Bank Fraud perpetrated by Progressive Constructions Ltd. and the Action taken by Government in Regard thereto

SHRI YASHWANT SINHA (BIHAR) : Madam, I call the attention of the Minister of Finance to the reported disclosure of a Bank fraud perpetrated by the Progressive Constructions Limited and the action by Government in regard thereto.

वित्त मंत्रालय में राज्य मंत्री और संसदीय कार्य मंत्रालय में राज्य मंत्री (डा. अब्दुल ग़हमद) : मैडम, सरकार को, प्रोग्रेसिव कंस्ट्रक्शन प्राइवेट लिमिटेड और इसकी सहायक कंपनियों को प्रदान किये गये बैंक वित्त से संबंधित कथित अनियमितताओं के बारे में मई, जून, 1992 में कई संवाद सदस्यों से प्राप्त संक्षेपों सहित कई संवेग प्राप्त हुए थे। वित्त मंत्री का हिदायत पर भारतीय रिजर्व बैंक से अनुरोध किया गया था कि इन खतरों के जांच करने के लिए एक स्वतंत्र लेखा-परीक्षक नियुक्त किया जाये। दिनांक 20 जुलाई, 1992 को, भारतीय रिजर्व बैंक ने बैंककारी विनियमन अधिनियम, 1949 की धारा 30 (1ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रोग्रेसिव कंस्ट्रक्शन लिमिटेड, हैदराबाद और उसकी सहायक कंपनियों तथा साथ ही आन्ध्रा बैंक, विजय बैंक, कारपोरेशन बैंक, भारतीय स्टेट बैंक, स्टेट बैंक आफ हैदराबाद और बैंक आफ बड़ोदा के लेखों की मैसर्स पी आर वी एंड कंपनी, चार्टर्ड एकाउंटेंट्स, हैदराबाद द्वारा विशेष लेखा-परीक्षा किये जाने का निर्देश दिया।

प्रचलित सबूतों के लेखने में हुई अनियमितताओं की जांच कर रही संयुक्त संसदीय समिति ने भी, भारतीय रिजर्व बैंक द्वारा प्रोग्रेसिव कंस्ट्रक्शन लिमिटेड के मामले में की गयी जांच के बारे में कुछ कागजातों/जानकारी की मांग की थी। इस मांग के उत्तर में, भारतीय रिजर्व बैंक के पास इस समय उपलब्ध कागजात संयुक्त संसदीय समिति को प्रस्तुत कर दिये गये थे।

विशेष लेखा-परीक्षकों ने भारतीय रिजर्व बैंक को अपनी अंतिम लेखा-परीक्षा रिपोर्ट प्रस्तुत कर दी है। भारतीय रिजर्व बैंक ने लेखा-परीक्षा रिपोर्ट संबंधित बैंकों को भेज दी है और उनसे पंच-वार टिप्पणियां संग्रहीत हैं। रिजर्व बैंक ने लेखों के संचालन में हुई अनियमितताओं की ओर भी बैंकों का ध्यान आकृष्ट किया है और बैंकों को तत्काल उपयुक्त कार्रवाई करने तथा लेखों पर दायीगी से नजर रखने के लिए कहा है।

SHRI YASHWANT SINHA : Madam, I must say right in the beginning, to put any doubts in any quarter at rest, that I am not raising this matter with any malice towards anyone. I have absolutely no personal interest in the matter. It is only because, to my mind, to my information, certain very gross irregularities, certain criminal acts have been committed, that I have chosen to raise this matter in this House and take your time and the time of the House.

Madam Dy. Chairman, after all the effort which has gone into looking into the affairs of this company, on this matter, as the Hon. Minister has just now mentioned in his statement, which has been agitated over the years and which has attracted the notice of Members of Parliament cutting across party-lines in both the House, one would have expected that the Minister, in his statement in reply to my Calling Attention, should have been more forthright, the Minister should have been more forthcoming, the Minister should have been more informative, the Minister should have been more straight about the action that the Government proposes to take.

Madam, I would like to make one point right in the beginning, and that is that this matter which is being raised here through the Calling Attention and which has been raised earlier by various Members of Parliament, as I have said through letters which have been written to the Government, including me when I was Finance Minister, is a matter with

which the Government of India is now concerned. The Minister cannot and should not hide behind the fact that this is a matter between the REI and various other banks, nationalised or otherwise. We expect the Minister would act, the Government would act. The Government should not depend merely on the RBI to act. The Government should not depend merely on the banks to act.

If I may point out, we have seen very disastrous results of such withdrawal, of such inertia on the part of the Government when this mass"ve scam took place

It is exactly because of this. It is because of this abdication of the responsibility in regard to what was going on between the RBI and the banks that this was possible. Now, I would request the Minister, for God's sake he should not take it lying down. Please act. I would have been happier if the Minister had given some indication of what action he had in mind. Progressive Construction Company, which is located in Hyderabad, was incorporated in 1981. It has various construction activities spread in various States of the country. There was some problem. It started as a partnership firm. Then it got incorporated as a public limited company. But, I am aware of an Andhra Pradesh High Court judgment dated 28th December, 1992 in which the Hon. Court has held that the conversion of the partnership into a public limited company was fraudulent, illegal and unauthorised. The formation of the Company—Progressive Constructions Limited— was fraudulent and mala fide. There are other findings also by the Hon. Court, but

because of paucity of time I am not going into these.

If I could briefly tell you, since 1985 various Members of Parliament have been raising this 'ssue through letters to the Prime Minister, through letters to the Ministers of Finance. It was the present Finance Minister, who ordered a special audit of this particular firm. When it

was pointed out to him, I must say to his credit, he took this step and asked the RBI to order a special audit. This _ audit has been conducted by a firm of Chartered Accountants called M. Anan-iam & Company. They have submitted their report to the RBI. The RBI letter was sent to them on 27th of July and the report has since been submitted. I have a copy of the audit report here. But without going into the details, I would like to point out to the hon. Minister, though he has very vaguely and mildly admitted that irregularities have been committed by the company, he has not mentioned what kind of irregularities have been committed. The irregularities which have been committed are of a very serious nature. As I said, they are also criminal in nature on various counts. Therefore, important irregularities were mentioned repeatedly in this House. The total Units and advances to the Company are about Rs. 150 crores. The limits were sanctioned and renewed and enhanced several-fold even while the company's net worth slumped down to a negative of Rs. 16.18 crores as on 31-3-1992 as against Rs. 12.41 crores on 31-3-1991. The net worth, as you can see from 1991 to 1993, has gone more into negative in spite of the increased turn-over every year. The Company has always drawn moneys from the Government whereas the process of recovery has never been properly linked to the payments made for the users alone. Many instances of massive illegal diversion of mobilisation advances from one place to another has been observed by the audit report. As against the mobilisation advance of Rs. 18.58 crores, only Rs. 5.21 crores were repaid, while the balance to be paid is Rs. 13.3 crores. The outstanding, as per the present audited balance sheet is Rs. 39.01 crores. It means that the loans taken were not recorded in the books and the amounts were not repaid, but were secreted out. The normal banking practice of issue of bank guarantee is to obtain 100 per cent security—10 per cent as cash margin and 90 per cent as collateral securities. In this

case the norm was not only violated, but was diluted beyond belief. The degree of dilution is evident from the fact that only 10 per cent cash margin and a meagre 50 per cent collateral securities were prescribed in this case. In every case of these guarantees, this rule has been violated.

Similarly, even with regard to 5 per cent securities offered, they are unsecured because for most of them, no proper charges were registered with the Registrar of Companies, Hyderabad, as is required under section 125 and section 127 of the Companies Act. These are all the findings of the special audit conducted by the Auditors on behalf of the Reserve Bank of India.

The company is also a regular defaulter in remitting provident fund collected from employees to the Government. The hard earned monies of the workers towards provident fund thus stand diverted. The company has been given substantial portion of the work awarded to various sub-contractors. The turnover of the company includes work executed by the sub-contractors. The company is merely acting as an agent or as a broker and it is sub-contracting all the work. From 1986 to 1992, I have the figures. As pointed out by the special audit, the sub-contracting was 72 per cent, 81 per cent, 80 per cent, 69 per cent and 67 per cent. What is worse is that the company is claiming what the sub-contractors are doing as their own and is entitling itself to receiving monies from the bank, whereas subcontractors are counting their work as their own and they are also approaching the banks. On the basis of the same work, the banks are lending money to the main firm, namely, Progressive Construction as well as to the sub-contractors. As I said, the company is acting merely as a broker and not as a construction firm itself. These are the major findings.

The audit report also has pointed out how the banks have erred in not taking

collateral security and how they have turned a blind eye to all the banking norms and practices in dealing with this company.

Now the point arises, why it is that the company has got away with all that it has done so far ? It has managed to do this because the company, unfortunately, wields a lot of clout. The company has important connections. Therefore, they have been able to browbeat the banks. They have been able to take the RBI for a ride and they have been able to make sure that the Government does not do anything to disturb the equilibrium of this company. It is this reason.....

THE DEPUTY CHAIRMAN : Mr. Yashwant Sinha, would you make it a little brief ?

SHRI YASHWANT SINHA : Yes, Madam. I am about to finish. It is this reason why this company has been let off so far so easily. The banks have not done any monitoring.

The banks have not done any inspection on site. There is no supervision and monitoring. They have not even bothered to find out if the monies are secured. Today the money is not secured with this company because the networth of the company, as I said, is in the negative and it is this which is creating all these problems.

Madam, I do not want to create an unnecessary controversy. As I said, there are powerful people who are connected with this. There are powerful people who are involved in this and that is the reason why the company has been receiving this favourable treatment.

I do not know why the hon. Finance Minister has not chosen to be here to answer this himself because he is the one who initiated action of the special audit But I am making ——

THE DEPUTY CHAIRMAN : May-/ be the Finance Minister has got confidence in him that he will handle it.

SHRI DAYANAND SAHAY (BIHAR) : Why don't you name the important person ?

SHRI YASHWANT SINHA : In our House, we don't do it. Unless you give advance notice and unless you substantiate It, you can't do it.

SHRI KAMAL MORARKA : (RAJASTHAN) : Unless he is a person out of favour with the Government like Mr. Krishna Murthy.

SHRI YASHWANT SINHA : But I am sorry to say that this whole thing is stinking to high heavens. The Minister who is new to the Ministry is young, dynamic—as you said, enjoys the confidence—of the Finance Minister.

THE DEPUTY CHAIRMAN : That is why he is handling it.

SHRI YASHWANT SINHA : He will do very well for himself if he takes the matter that we are raising in this House seriously.

I am making some very specific demands of the hon. Minister. What he has said will not help. He has said, "The Reserve Bank of India has also drawn the attention of the banks to the irregularities in the conduct to the accounts, and advised the banks to take necessary remedial steps immediately and monitor the accounts closely—The Government of India. The Government tells the RBI ; the RBI tells the bank ; the bank Chairman tells the official lower down ; and the lower down ; and the lower down ; and, ultimately, the lowest official in the bank sits over the whole thing. And, that is the might of the Government of India coming to naught in the whole matter. This is not how it should be. You should the courage of ordering a special audit, of

asking the Reserve Bank of India to carry out the special audit. You should show the courage which is needed to take it to its logical conclusion. In order to take it to its logical conclusion, I am making the following demands.

The first is, please take steps to freeze the bank account—don't merely, Mr. Abrar Ahmed, go by what the RBI tells you or what the bank tells you—of the company and invoke the personal guarantees given by the directors and the promoters and revoke all bank guarantees. This is my first demand to you.

The second demand is,—and, this is the most important, Madam—I would request the Government to direct the RBI to file a complaint with the CBI in view of the seriousness of the charges. Let a complaint be filed with the CBI. I am not asking them to take action against anyone without making a thorough and thorough inquiry. So, let the CBI look into this matter. Let the CBI carry out its investigations and then let the CBI book the guilty, punish the guilty. I will only tell you, Mr. Minister, you yourself will be surprised—Madam Deputy Chairman you will be surprised—at the result of the investigations by the CBI. The names which will tumble out of that box are going to shock the whole nation. So, please order a CBI inquiry. If you hesitate, if you dither, if you vacillate, if you prevaricate, then, the conclusion is unavoidable that it is not merely inaction, it is collusion.

The third demand that I am making to you, Mr. Minister, is that you declare this company as a notified entity under the company law and appoint a custodian or a special officer for this purpose immediately so that he can take charge of the company and bring to a stop immediately the fraud, the deception, the cheating and the criminality which has taken place so far.

These are my three very specific demands to you, to the Government. I am

sure the Government will listen to this matter and consider it as seriously as I am raising it. Thank you, Madam Deputy Chairman.

SHRI KAMAL MORARKA : As seriously as the impeachment.

उपसभापति : श्री जगदीश प्रसाद माथुर : माथुर साहब, आप जरा संक्षेप में बोल लेंगे तो बड़ी कृपा होगी।

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : आप कहें तो न बोलूँ।

उपसभापति : मैं क्यों कहूँ कि न बोलो।

श्री जगदीश प्रसाद माथुर : आपका जजमेंट तो सर-पाइलों पर है।

महोदया, मैं उन सब बातों को दोहराना नहीं चाहता जो हमारे साथी श्री यशवंत सिन्हा जी ने कही हैं। इतना मैं जरूर कहूँगा कि उन्होंने जो अंतिम तीन मांगें रखी हैं, मैं उनका पूरी तरह से समर्थन करता हूँ, वह पूरी की जानी चाहिए लेकिन दो-तीन बातें जो अलग से मेरे ध्यान में आई हैं, मैं मंत्री महोदय के ध्यान में लाना चाहता हूँ। क्या मंत्री महोदय को यह मालूम नहीं है कि इस कंपनी ने इनकम टैक्स की भी चोरी की है। इनकम टैक्स डिपार्टमेंट सीधे-सीधे वित्त मंत्रालय के अधीन है। यह रिकार्ड मैं हूँ, जो ऑडिट रिपोर्ट है उसमें भाई, हाई कोर्ट के जजमेंट में भी है कि इन्होंने इनकम टैक्स दसों तक नहीं दिया। तो क्या कारण है कि, इनकम टैक्स डिपार्टमेंट के फाइनेंस मिनिस्टर के अंडर होते हुए भी, इसकी देख-रेख नहीं हुई? महोदय, दूसरे क्या इनकम टैक्स एक्ट के अंतर्गत आपने कार्रवाई की है या नहीं की है? यदि नहीं की है तो क्यों नहीं की है? मेरा निवेदन है कि आप इस बात की आड़ न लें कि यह मामला ज्वाइंट पार्लियामेंटरी कमेटी के सामने है और ऑडिट रिपोर्ट की जांच की जा रही है, यह बहानेबाजी है। क्यों इनकम टैक्स नहीं दिया है, क्यों छपला है, इसके लिए आपको जो सीधी कार्रवाई करनी चाहिए थी मैं मांग करता हूँ कि आप बताइए कि वह कार्रवाई क्यों नहीं की गई? जैसा यशवंत जी ने कहा, हाई कोर्ट ने भी यह,

कहा है कि सब धोखा-धड़ी हो रही है। महोदय आपको जानकर ताज्जुब होगा कि इस कंपनी का शेयर कैपिटल मात्र 70 लाख था और इन्होंने लोन कितना लिया, 185 करोड़ रुपए। जिस कंपनी की शेयर होल्डिंग 70 लाख हो और वह लोन ले ले 185 करोड़ के? आखिरकार क्या ये बैंक वालों की जिम्मेदारी है? अनसिक्वोर्ड लोन दिए गए। मैं कंपनी को इतना मुजरिम नहीं ठहराता। मैं मुजरिम ठहराता हूँ बैंक वालों को। क्या आपने इस बात की जांच की है कि उस स्कैम में बैंक के कौन-कौन से अधिकारी और कर्मचारी शामिल हैं। अगर नहीं की है तो इस बात की जांच करनी चाहिए। मैं मानता हूँ कि कंपनी फ्राड है। मुझे उससे कुछ लेना-देना नहीं है लेकिन चिंता का विषय है कि बैंक के अधिकारी, इनकम टैक्स के अधिकारी उसके अंदर शामिल हों, तो क्या मंत्री महोदय इनकम टैक्स के अधिकारियों के खिलाफ और बैंक के अधिकारियों के खिलाफ कार्यवाही करेंगे?

दूसरे, मुझे इसमें यह भी जानकारी चाहिए कि कंपनी को कितना लोन मंजूर था, उसका लिमिट क्यों बढ़ाई गई? किस कारण से बढ़ाई गई? इसका जिम्मेदारी किसकी है? जितने भी बैंक हैं, जिन्होंने अनसिक्वोर्ड लोन दिए हैं, मैं उनका नाम पढ़ना नहीं चाहता, उन सबके अधिकारियों को क्या आपने निर्लज्ज किया है? मेरी भांग है कि जितने बैंक के अधिकारी हैं और इनकम टैक्स के अधिकारी हैं, जिन्होंने जून-बूझकर परदा डालना चाहा है, उन सब को आप सस्पेंड करिए, उनके खिलाफ कार्यवाही आपको करनी चाहिए और पहले करनी चाहिए थी। यशवंत सिन्हा जी ने जो तीन मांगें रखी हैं, उनका मैं समर्थन करता हूँ, और मैं समझता हूँ कि मंत्री महोदय संतोषजनक कार्यवाही करेंगे और संतोषजनक जवाब देंगे।

SHRI DIPEN GHOSH (West Bengal) : Madam Deputy Chairman first of all, I want to place it on record that I have risen to speak on the Calling Attention motion not to point out certain faults of a particular company. But I don't agree with my learned colleague, Mr. Narayanasamy, that it was a personal case. No, it was not a personal case. It

was a case of bank fraud, perpetrated by certain persons, who are privy to the powers that be. Otherwise, this company or for that matter the owner of this company, would not have defrauded as many as four or five nationalised banks to the tune of Rs. 108 crores without any security, without any collateral guarantee. If an ordinary farmer goes to a bank to secure a loan, you know very well what happens to him. But if a former Member of Parliament with a clout over the powers that be, goes to a bank, he gets the loan without any security, without any collateral guarantee and he does not require to pay back that loan, which is not the case with simple individual. It is a case of defrauding public money, national money and now, after going through these papers, I came to know why the Members of the Treasury Benches in the other House gave a reprieve to a very high person who had indulged in irregularities. Now, I come to know because if one is privy to the powers that be, one can be given reprieve and that too on the plea of market practice. I have heard that certain foreign banks had indulged in certain irregularities which are violative of the RBI guidelines, the Government guidelines on the plea of market price and some high officials were given reprieve. And some high officials were given reprieve on the ground that it is indulged in by many others. So, here, Madam, I am sorry, I would have been happy if Mr. Narayanasamy had not raised this question, but, anyway, I want to say very specifically that I wish that Dr. Abrar Ahmed had come with a little more forthright statement because it was not the RBI which ordered for a special audit even though the special audit was conducted under the Banking Regulation Act which could be ordered by the RBI itself. There, naturally the Ministry of Finance and, for that matter, the Minister of Finance had to intervene and order the RBI to conduct a special audit under the Banking Regulation Act though RBI was supposed to do that job, without getting orders or waiting for orders from

the Ministry of Finance. So at least, I must say, I appreciate that the Finance Minister, having found that there was a prima facie case, asked the RBI to appoint an auditor and go in for a special audit. These are not the actions. Nobody would believe regarding the multicore securities scam that RBI has issued guidelines, RBI has issued instructions to the banks, RBI has issued thousand and one instructions to various banks about the irregularities having been indulged in by the banks, PSUs for the last one decade and yet this multi-crore scam could surface. So this cannot be an action that RBI has also drawn the attention of the banks to the irregularities in the conduct of the accounts. So I am sorry that having experienced that type of securities scam indulged in by the banks, the Ministry of Finance is still depending upon the RBI for issuing instructions. So, here is a fit case where the Ministry of Finance should order for action. It is not that the RBI would issue a circular to the banks. Thousand and one cases are there, but even the banks or the bank chairmen did not acknowledge the instructions contained in the RBI circulars. And you are depending upon RBI for issuing instructions to the banks ! So my specific question is whether the Ministry of Finance having found a prima facie case has asked the RBI to institute a special audit. A special audit report is with you. Now it is time to initiate action and, therefore, nothing short of what my colleague, Mr. Yashwant Sinha, has demanded would fulfil the requirements of his situation, and I hope the young Minister will respond to the ciction of the banks.

श्री यशवंत सिन्हा	सिन्हा (बिहार) . मैट्रम, मैं इस कालिय गेटिंग में मंत्रालय के समर्थन में कोसना चाहती हूँ ! सबसे पहले तो मैं यह कहना चाहती हूँ कि बिहार में श्री महोदय ने, जिस मुद्दे की वस साज से संसद के अंदर और बाहर संसद उठा रहे हैं उस पर प्रांच के अदेश दिये ! रिजर्व बैंक आफ इंडिया के द्वारा प्रांच की हुई थी उसकी रिपोर्ट भी शामिल है । जो उसकी आडिट रिपोर्ट है वह हमारे सामने है । मेरे पूर्व यत्नाओं ने जो
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कुछ बातें उठाई हैं मैं उनको दोहराना नहीं चाहती। मैं केवल मंत्रों महोदय से यह निवेदन करना चाहती हूँ ब्राडिट रिपोर्ट में यह कहा गया है कि भानन्दम कंपनी, चार्टर्ड एकाउन्टेन्ट को कम्पनी ने जो स्पेशल ब्राडिट रिपोर्ट दी है, उसमें उन्होंने यह कहा कि कुछ बैंक जो हैं उन्होंने बहुत ही नुकसान उठाया है। उनमें एक ग्राम बैंक भी है और ग्राम बैंक में जो यह पा.सो.एल., प्रोग्रेसिव कन्स्ट्रक्शन कंपनी लिमिटेड है, इसके चेयरमैन जब इसके डाइरेक्टर थे, उस समय यह पैसा निकाला गया था। तो क्या सरकार इसकी भी जाँच करायेंगी ?

यह भी स्पेशल ब्राडिट रिपोर्ट में पाया गया है कि कंपनी ने अपनी बुक किंग में भा. हेराफेरा का है, प्रास फाइनेंसियल इम्प्रोप्रायटिडो पाया गया है। तो क्या सरकार इसकी फिर से जाँच करायेंगी ?

दूसरी बात जो बहुत ही गलत है वह यह है कि वहाँ जो लोग काम करते हैं, यह ध्यान दिजाने ही प्रान्तों में काम करवाते हैं अपने सब-कांटेक्टों द्वारा ही सही—गुजरात, राजस्थान, मणालपुर, झरणावल, उड़ीसा, उत्तर प्रदेश, मध्य प्रदेश, कश्मीर, दिल्ली और गोवा आदि प्रांतों में अपने सब-कांटेक्टों के जरिये यह काम करवाता रहो है। तो इसमें जो श्रमिक काम करते थे, उनका प्राविडेंट फंड भी कटता था। लेकिन इस कंपनी ने इस प्राविडेंट फंड की प्राविडेंट फंड कोष में जमा नहीं किया और इस प्राविडेंट फंड कोष का इन्होंने दुरुपयोग किया। तो क्या सरकार इसकी जाँच करवायेंगी ? यह क्विजिटल आफेंस है, मंत्रों महोदय, आप भी इसको जानते हैं। मैं जानना चाहती हूँ कि क्या आप इन बातों की जाँच करेंगे और जाँच करा कर सख्त को प्रवर्ग करायेंगे ?

तोसरें बात यह है कि जब इन मंत्रालयों के इसका हुआ, अंडर दि कंपनी ऐक्ट, एज ए कंपनी तो क्या इसको अधिकार मिला था कि यह सब-कांटेक्ट दे और सब-कांटेक्ट उनको भी दे जो सरकारी एजेंसियाँ हैं, जो गवर्नमेंट के मातहत काम करती हैं क्या ऐसे लोगों को भी सब-कांटेक्ट लेने का अधिकार दिया था ? मेरी इन बातों का मंत्री महोदय उत्तर दें और साथ ही साथ जो इस व्यापारिक प्रस्ताव के मुख्य बक्ता यशवंत सिन्हा जी हैं, उन्होंने जिन बातों को कहा है, जो तीन

डिमांड उन्होंने रखी है कि कंपनी के एकाउंट को फ्रीज किया जाय, वहाँ पर एक सरकार अफसर बहाल किया जाय, इन सारां बातों का स.बा.आई. से जाँच करायें जाय, मैं इसका समर्थन करता हूँ। धन्यवाद।

SHRI GURUDAS DAS GUPTA (West Bengal) : Madam, this is yet another example how the common public funds held in the bank—banks are the custodians of the social savings. Therefore, this is yet another example how the public funds are being illegally allowed to be invested.

SHRI KAMAL MORARKA : Madam, I am on a point of order.

THE DEPUTY CHAIRMAN : Yes.

SHRI KAMAL MORARKA : Madam, this is an irre discussion is about the public funds being misappropriated. I think it is totally out of order. It has been held in the impeachment case that as long as you return the money, there is no offence. Mr. Gadgil has told the Press I don't think different laws should be applied to different people. What applies to Mr. Ramaswamy should apply to Progressive Constructors. As long as he returns the money, no action should be taken against him.

THE DEPUTY CHAIRMAN : The Minister should take note of it. Let us not go ahead. Now, we can stop the discussion. A suggestion has come that we can go ahead with other business.

SHRI GURUDAS DAS GUPTA : Madam, the hon. Member is under the magic spell. The hon. Member who was Minister for some time and wants to be a Minister again, is under the spell of the majestic decision that was taken somewhere else regarding the attitude towards corruption in high places. That is, of course, very important. But the more important thing in this case is, thus is how public's hard savings deposited in

(the bank were allowed to be diverted utilised for fraudulent purposes. I am sure that the sum that has been advanced to such units will turn bad. This is an example how the bank credit turns but, and how ultimately banks write it off as bad debt. It is a clear example. It is a clear-cut example of how bank credit is turning bad and how the Reserve Bank is suffering; it is back. I would only tell you that in the last few years, Rs. 10,000 crores had been turned bad and, our Rs. 10,000 crores; Rs. 5,000 crores had been written off. And because of the writing off of such a huge bad debt, the capital adequacy of the bank is suffering and, that is why in the current But we had allotted to the banks about Rs. 750 crores. Therefore, This is a concrete example of how the Budget funds are being allowed to be misutilised by the Government. Banks are allowed to write off loans. Banks are allowed to give loan on projects which are not viable. Banks are advancing funds to units which are not worthy of taking loans. Ultimately, the loan is not paid back. Banks are writing off the loans and that is affecting the assets and capital of the banks. And to meet the capital inadequacy, we are allotting funds from the Budget. This is the situation. Therefore, it is not a question whether this unit could get bank funds because of political clout. They might be having influence. Somebody might be pulling the strings.

The Vice Chairman (Shrimati Susmaja Swaraj) in the Chair. Somebody might have been able to help these companies to get loans where they should not have been given the loans. That apart—(here is the question of the nexus of politicians, of people in high offices, of delinquent businessmen, that we see every day in our life that apart—what I am bringing to the notice of the Government is that this is how the bank loan is turning bad, this is how, ultimately, the banks are writing off the loans and, ultimately, it is becoming a responsibility of the Government to pay for the loss. Actually, we

are paying for the delinquency of the private units and, for that, we are spending our Budget money. Where to stop it? How to stop it? It is not a question of freezing the account. It is a question of criminal misappropriation. It is a question of misutilising the bank funds which is a definite offence under the criminal code. Therefore, my question is, has the Government decided to initiate criminal proceedings against the people who have done it? It is not only enough to freeze the account, it is not only enough to ask the people to pay back the loan, but these people must also be held responsible for criminal misappropriation and the law of the land must be allowed to take its own course. And, for that, I demand that there should be criminal proceedings against the people who crowded money on the basis of fraudulent securities. Secondly, there should be criminal proceedings against the bank officers who had sanctioned the loan. How could this be sanctioned? In a bank, there is an Appraisal Committee and, in a bank, there is a procedure that a loan beyond a particular limit has to be sanctioned by the Board. Was this money sanctioned by the Board? Who is the officer who has done it? Was it pressed in the Board? If it was not pressed in the Board, then it is the personal responsibility of the General Manager, or not. What action do you propose to take against the General Manager, Credit? Thirdly, if it had been pressed in the Board, what was the Government nominee doing? What was the Reserve Bank nominee doing? If they had not raised their eyebrows if they are a party to it, then it is equally the responsibility of the Government to punish those representatives of the Ministers of Finance and RBI on the Board. Lastly, Madam, another important question in this regard is, who are the people; in the background? Why did this unit enjoy such a patronage? Who are the masters in the bank who had been drawing the strings? Madam, If bank credit is not totally delinked from political patronage, if it is not delinked from delinquency, then a time will come

when the entire banking industry will turn sick. Twenty banks out of 28 banks are in the red and I believe improper accounting method is really resorted to. If the "secrecy clause" is withdrawn, if the bank account is made open, then, you will see that the entire banking system is sick. Banking system has become sick because of a deliberate nexus. This deliberate nexus exists between people in high offices, delinquent businessman and officers in the dark picture. What we are discussing who do not deserve. Therefore, we want that exemplary punishment should be given.

Lastly, banks who had advanced loans were all involved in the bank scam. Andhra Bank is involved in the bank scam. It is Andhra Bank who had indirectly arranged a huge sum to be advanced to Gold Star. It is Andhra Bank. It is Vijaya Bank which is also involved in the scam. Therefore, it is the other side of the dark picture. What we are discussing in our JPC is the other side of the picture. Therefore, in the fitness of things, exemplary punishment should be given. There must be a signal going. A signal must be given to the entire industry "this far and no further." If the Government is not prepared to take that stringent action, then, I will believe that the Government is also becoming a party to the collusion.

Thank you, Madam.

SHRI P. SHIV SHANKAR (Gujara) : Madam, quite a bit has been said by my friends on the issue of this Progressive Construction Limited and its relations with the bank. As far as what they have said generally, I entirely agree. If somebody has violated the law, if some illegalities have been committed, then, the law must take its own course. Nobody would say that if illegalities had been committed, embezzlement had taken place, still such a person should be saved. But, unfortunately, I would start with a comment that this issue with reference to a

single company has been raised in this House by way of a Calling Attention Motion which normally is in the nature of a matter of urgent public importance. Why has it been raised? Sometimes, we lose the case by pleading for a party. The impression will be that we are either trying to do it through malice or through favour. I regret that we have raised this issue with reference to a single company in this House by way of a Calling Attention Motion.

Secondly, I would like to say that a separate paragraph was devoted by the Finance Minister in his reply when; he had said that the JPC enquiring into the irregularities etc., had requisitioned certain documents and those documents were sent to the IPC. Most of the hon. Members who have spoken here are members of the JPC. I am sure they will take care of it. Why is it that the same issue should again be raised like this here? Having said this, I would like to make certain submissions on the merits which have been touched. Something has been said with reference to the conversion of a partnership into a company. The matter is still sub-judice in the High Court. The matter has been appealed against and the appeal has been admitted. Therefore, I would not like to comment. What I understand from the reply of the Minister is that the irregularities committed seemed to be these of the bank. If the irregularities pertained to the bank, then, there are two courses open. One course is, JPC is already looking into those aspects. They have called for the documents perhaps thinking that this bank is involved in the scam. The second course is, the Reserve Bank of India is enjoined under the law to correct the bank itself. Now, the only question that looms large, about which nothing has been said, is this : Do these persons owe certain amounts to the banks?

उपनिषद (श्रीमती सुषमा स्वराज) : एक
मिनट, मिनिस्टर जी। मुझे हाऊस लॉ के लिए

एडजोर्न करना है। आप बाद में बोलना चाहेंगे या अभी खतम करना चाहेंगे ? ... (स्वराज)

SHRI KAMAL MORARKA : How can we adjourn now when the business is so heavy ?

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : वह तो बी.ए.सी. का तय है। हिन्दी चेयरमैन कहकर गई हैं मुझसे। आप सिर्फ यह बताइए कि आप अपना भाषण समाप्त करके हाऊस का एडजोर्नमेंट चाहेंगे या नहीं ?

SHRI P. SHIV SHANKAR : Let me finish. I want to finish it now itself because I am not feeling well.

श्री संघमित्र मोतिलाल : उपसभाध्यक्ष जी, क्या संघ के लिए एडजोर्न होगा ?

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : हाँ, प्रायः संघ के लिए एडजोर्न करना है।

SHRI S. JAIPAL REDDY : Madam, let him finish his speech.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : ठीक है, आप अपना भाषण जब समाप्त करेंगे बाद में संघ के लिए एडजोर्न कर देंगे। रेप्लाय बाद में होगा।

SHRI P. SHIV SHANKAR : The important point is that Finance Minister says that the RBI has drawn the attention of the Banks with reference to the audit report, not only with reference in the para-v, 'se comments, but also with reference to the irregularities that the Banks have committed.

I am sure that the RBI will take action against those Bank.', and, as some of my friends here have stated, if there is something wrong with the Banks, the Bank officials have necessarily to be hauled up and there is no sympathy for them. But the question is this : Does this Company owe a single rupee to this Banks ? That is the point. Now, if irregularities have been committed, who has committed them ? That part has not been

audited even in the audit report. And, if the Bank itself has committed any irregularity,

(The Vice-Chairman (Syed Sibtey Razi) in the Chair)

When the law must take its own course against the Bank officials who have done that. But, as of today, the position is that his gentleman does not owe a single paisa to any Bank. That is number one. Number two, whatever he has been availing of from the Bank by way of facility has only been bank guarantees and I would like to submit that not in a single case a bank guarantee has ever been cashed. While bank guarantees have been given, there is not even a single case where the Banks have had to pay the money obligated under the guarantee. Number three, the total credit that this man has taken at any point of time has never exceeded Rs. 25 lakhs and today, it stands at 15 lakhs. This is the credit which he has taken. This is all. What has happened here ? I am bringing these three aspects to the notice of the House only to demonstrate that this Company has not bungled in the matter of the money of the Banks. Not more than Rs. 25 lakhs of cash credit at any point of time and today, it stands at only Rs. 15 lakhs. All through, for the last 25 years, this Company has been enjoying the bank guarantees and yet not a single bank guarantee has been cashed at any point of time and today, he does not owe a single pie to this Bank. Now, if this be the case, what is it, that we are asking for with reference to this Company ? and, who did the bungling ?

My friend, Mr. ... has said that the Company's Bank accounts must be seized and frozen, Why should it be frozen? Let the law take its own course, if there is something wrong done by him, you can freeze the account and I would not send in the way. But, if he has not committed any irregularity, what do you mean by freezing the account ? I am not able to appreciate this at all. Why is his witch-hunting going on ? Do we

want this type of witch-hunting to go on? Let us first know where he has bungled. Have you been able to say that this is the place where he has bungled and taken or misappropriated the money? That is why I gave the three aspects to show that not a single pie he owes to anyone. And he has not taken cash credits of *msm* that: Rs. 25 lakhs at any point of time. And all the dues have been paid. Not only that. For the bank guarantees, the commission that he pays every year is Rs. 120 lakhs. Not a single paisa has he owed to the Bank. The Bank gets Rs. 120 lakhs by way of commission. Why are we after some individuals? If there is something wrong, let this man go to jail. I have nothing to plead. All the Directors may be hauled up, the Company itself may be taken care of. But then why is it that we are trying to do something where there is nothing? Would you like to involve somebody, behind this? Then you bring him, and we would like to appreciate that. I do not know why 'his Calling Attention Motion itself has been brought in such circumstances. Then, it has been said that the irregularities are of a criminal nature and that the total limits are Rs. 151 crores. At no point of time the total limits had been Rs. 151 crores. I have got with me the details, the total limits. With reference to the Bank guarantees, the various Banks have given Rs. 3 crores originally. Originally it was Rs. 3 crores. In 1990-91, it stood at Rs. 50 crores. When I am saying that he has not received more than Rs. 25 lakhs as cash credit from the Bank at any point of time, wherefrom are you getting this figure of Rs. 151 crores? And this cash credit is being given from the beginning for the last 25 years, not at the time when one of the persons became most important by becoming a Member of Parliament sometime in 1941. I am really sorry about the way in which we have brought in this type of issue. Then the patronage part of it. If the patronage was there was the patronage there for the last 25 years when this gentleman was a total non-

entity? I would rather suggest—I do not know how far my friends would agree—let a House Committee go in the entire working of that Bank. Why not we go into it and find out? That is the best way of doing it.

SHRI YASHWANT SINHA : We accept it.

SHRI P. SHIV SHANKAR : Let us go into these things. Yes, we should go into such type of things, instead of tying in one individual Company. That way, there may be a large number of companies. What they are doing one does not know. And then what has been said is that the Company has always been drawing the money. I have said that the Company at no point of time has drawn so much as cash credit of more than Rs. 25 lakhs. I will repeat it. And a lot of objection has been taken about the Company's sub-contracting. What is wrong with that? If under the contract I can sub-contract, is there anything wrong with that? I do not know why all these issues have been mixed up. That is the later where a contract of a work has to be looked into. And if a contract of a week categorically gives the authority for sub-contracting, that Company is entitled to sub-contracting. We have to look into the contract itself for the purpose as to whether the contract itself authorises the person to subcontract or take on subcontract. This is purely legal. This happens day in and day out. And the flaw is sought to be found. I do not understand this. If in law it is allowed, it is allowed. And it appears to me as though in this case quite a bit of witch-hunting has been done without any reasonable basis. If an individual or a Company has subjected itself to irregularities or irregularities, let the law take its own course and proper punishment be meted out under those laws. Nobody stands in the way. But then the point is, we have unfortunately set a very bad precedent, which in my submission is reprehensible by bringing in the matter of a single

company before this House and wasting the time of this House, particularly so when many of the hon. Members belong to the J.P.C. They have already called for the documents. Let them look into those documents; let them call that man. I understand that he has already requested the Chairman of the Committee that he may be called and he is prepared to give evidence.

SHRI DIGVIJAY SINGH : But the Chairman did not call.

SHRI P. SHIV SHANKAR : J.P.C. Members are here. It is for them to say. I do not know anything about it. They will know much better than me that he had written to the J.P.C. Chairman. On the other hand, if you would like to be vindictive, that does not behove well of the dignity of the House. I must say it plainly. And the resultant effect will be that we ourselves will bring the institution into disrepute, and this should not be our approach.

THE VICE-CHAIRMAN (SYED SUBTEY RAZI) : The House is now adjourned for lunch till 2.41 P.M.

The House then adjourned for "uncounted" at fortyone minutes past one of the clock,

The House reassembled after lunch at forty-six minutes past two of the clock, The Vice-Chairman, Shri Md. Salim in the Chair.

SHRI V. NARAYANASAMY (Pondicherry) : Sir, I will speak for only three or four minutes on the points which my hon. friend has raised.

Sir, I am thankful to you for giving me this opportunity. My senior colleague, hon. Shri Yashwant Sinha, raised three important points. Firstly, the company has defrauded the banks and, therefore, its accounts have to be frozen. Secondly, CDI enquiry should be ordered to prove

the guilt, if any. Thirdly, it should be considered as a notified company. These are the three important suggestions made by the hon. Member relating to the Calling Attention,

I would like to submit that the credit that was provided by way of loan to the company by the bank was Rs. 2 lakhs and the outstanding amount is only Rs. 15 lakhs. Secondly, the deposits < the amounts of that Progressive Construction Company are of the order Rs. 6 crores which the various banks. The, Sir, a bank guarantee was given to various banks which have been enumerated by the hon. Minister and there was no default, no misuse of guarantee by the concerned Company so far. The guarantee was given because of the facility, creditworthiness and also the long standing experience of the Company.

Sir, in our country there are a lot of private and public sector construction companies. All of them go to the bank to get bank credit; all of them are given bank guarantee. They are running the business from that bank credit and paying the loan to the banks without a default. Now the hon. Member has made certain allegations against the Company. I would like to know from him, if he is willing to yield, whether there was a complaint from any of the banks that the amount of Rs. 15 crores, as has been alleged by the hon. Member, was not to be payable by the Company. Which are the banks who have complained? Can he give the break-up? Nothing is there. Therefore, let him not be carried away by the allegations made in the newspapers, in the magazines or elsewhere. I would like to submit that there was a news item on Sunday relating to this Company, to malign the Company and alter the publication of the news item. The Managing Director wrote to the Press Council. I would like to read one sentence of the Press Council's verdict. -It is very pertinent, and it is also important. The Press Council's verdict is

"On careful consideration of the submission of Mr. Ramanandan and on perusing the materials on record, the committee was of the opinion that the journal had violated the journalistic ethics as there was no basis for the allegations against the complainant. While upholding the complaint, the committee warned the journal against such writings."

This is the observation made by the Press Council of India relating to the same company. The same allegation which the hon. Member has made, was made in "THE SUNDAY MAIL", a Sunday paper. Not only that, but the consortium of banks held a meeting in which they deliberated upon it. After the newspaper report, after various complaints and also after the news item appeared in the magazine, the banks have deliberated on it. The members deliberated on various Press reports, and all the member-banks felt that the conduct of the accounts of the company with them was satisfactory. This is the observation made by various banks, relating to the company, relating to the functioning of the company, relating to the creditworthiness of the company that according to the rules and regulations the company is following the norms.

I would like to request the hon. Member who has raised the allegation in this august House to tell us whether there was any specific complaint from any of the banks that its money has not been paid, that the bank guarantee has been misutilised, whether there was any strong allegation and whether it was brought to his knowledge

THE VICE-CHAIRMAN (Shri Md. Salim) : You conclude.

SHRI V. NARAYANASAMY : This is because Parliament should not become a forum for maligning anybody without any basis or authentic record. Therefore, I strongly submit this to the hon. Member who has mentioned this through this

Calling Attention. Mr. Jaipal Reddy, when he was in the Lok Sabha, had raised the allegation in 1985. Other Members also had raised the allegation. Petitions were presented to the then Finance Minister. All things have been gone through, and hereafter the conclusion has been arrived at.

Finally, I would like to submit that the hon. Member, Shri Yashwant Sinha, who is a senior Member, who raised the issue in this House, is a Member of the JPC. The other senior Members of this House who have spoken, are also in the JPC. They have got records relating to this company for scrutiny before the JPC.

SHRI S. JAIPAL REDDY (Andhra Pradesh) : Will you kindly yield ?

I would like to tell my hon. friend, Mr. Narayanasamy, that the matter is not before the JPC for its consideration. The PC is not seized of the matter. The Members may have made casual enquiries, but this is not a part of the terms of reference of the JPC.

SHRI JAGESH DESAI (Maharashtra) : This also cannot be mentioned in the House. What has happened in the JPC cannot be mentioned, no.

SHRI YASHWANT SINHA (Bihar) : Sir, the Minister himself has chosen to mention it in his statement.

SHRI JAGESH DESAI : We cannot do it.

SHRI YASHWANT SINHA : No, no. The point is this. If repeatedly this point is made that the JPC should look into this, that the JPC is looking into this, then, what happens ? The Minister says that it is not being looked into.

SHRI S. JAIPAL REDDY : Let the Minister agree for its reference to the JPC. The JPC will look into it.

SHRI DIPEN GHOSH (West Bengal) : Mr. Vice-Chairman, the Minister himself has mentioned it in his statement.

SHRI V. NARAYANASAMY : Sir, I go by the statement of the Minister.

SHRI DIPEN GHOSH : Let the JPC decide about it.

SHRI S. JAIPAL REDDY : A ruling can be given by the Chair to the effect that the JPC should look into the entire ;andal. ... (Interruptions)-----

SHRI V. NARAYANASAMY : The Minister is going to reply. I go by the statement of the hon. Minister, Mr. Jaipal Reddy.

THE VICE-CHAIRMAN (SHRI MD. SALIM) : Mr. Narayanasamy, please conclude.

SHRI V. NARAYANASAMY : I am going to conclude, Sir. I am not going to take much time. I am very specific.

THE VICE-CHAIRMAN (SHRI MD. SALIM) : The rest to the reply the Minister will be able to give.

SHRI V. NARAYANASAMY : It has been mentioned that the Joint Parliamentary Committee enquired into the irregularities pertaining to the security transaction. It has also requisitioned certain documents and certain information regarding the investigation made by the RBI in the case of the Progressive Construction Ltd. The hon. Minister has very categorically stated that the Chairman, JPC, requisitioned certain documents. Therefore, the JPC is seized of the matter. Therefore, Sir, it is highly objectionable that the matter which is seized of by the JPC, is being discussed in this House.

SHRI YASHWANT SINHA : He is making that point. How does he know that the JPC is seized of it or not ? Mr. Jagesh Desai raised this point. Mr. Jagesh Desai 1098 RSSI94—20

should also advise his own colleague that he should not repeatedly raise it.

SHRI JAGESH DESAI : Not to say what is happening in the JPC also.

SHRI V. NARAYANASAMY : I go by the statement of the Minister. I am not a Member of the JPC. I go by the statement of the Minister.

SHRI S. JAIPAL REDDY : The terms of reference of the JPC are clear. A bank fraud which has; nothing to do with the securities scam does not fall under the purview of the JPC. I am making a statement as a Member of the House in the light of the terms of reference.

SHRI V. NARAYANASAMY : Not as a member of the JPC ? If you are speaking here as a member of the JPC then, I have some important questions to ask.

SHRI S. JAIPAL REDDY : No. I am not speaking here as a member of the JPC. Mr. Desai is right when he objected to anybody speaking here as a member of the JPC... (interruptions)... Please hear me. Mr. Vice-Chairman, the point is very clear. The Member is asserting that the matter is under the consideration of the JPC. I am saying it could not be under the consideration of the JPC because as I understand the terms of reference, bank frauds which do not relate to the securities cannot be enquired into by the JPC.

SHRI V. NARAYANASAMY : Mr. Vice-Chairman, We have a copy of the statement made by the hon. Minister on the floor of the House.

SHRI DIPEN GHOSH : You read it.

SHRI V. NARAYANASAMY : I will quote from the statement, "The Joint Parliamentary Committee enquiring into the irregularities pertaining to the securities transactions has also requisitioned certain documents and information in regard

to the investigations made by RBI in the case of Progressive Construction Ltd." Therefore, I am asserting in this august House that the JPC is seized of the matter relating to the Progressive Construction Limited. The investigation that is being conducted by the Reserve Bank of India has been taken over by the JPC for the purpose of getting information. When the JPC is seized of the matter, this matter need not be discussed in this House. Moreover, this is a vindictive attitude on the part of some rival companies who are tarnishing the image of this company. I would request the hon. Members not to become a party to it.

डा. अब्दुल अहमद : सर, माननीय सदस्यों ने जो इस बारे में बात कही और अपने विचार रखे, मैं इस बात से पूरी तरह सहमत हूँ कि कहीं कोई भी अगर इररेगुलैरिटी होती है, कोई भी अगर किसी इक्विटि ऑफिस करने के लिए उत्तरदायी है तो उसको भी जो भी कड़ी से कड़ी सजा हो, वह मिलनी चाहिए। चाहे इस केस में हो या किसी और केस में हो कोई भी आदमी किसी भी गलती के लिए या गबन के लिए या इररेगुलैरिटी के लिए दोषी पाया जाता है तो मैं पूरी तरह से उन माननीय सदस्यों को यह आश्वासन देना चाहता हूँ कि निश्चित रूप से नियमों और कानून के तहत, जो कार्यवाही, जो एक्शन, उसके विरुद्ध लेना चाहिए, वह लिया जाएगा। जहाँ तक इस केस का सवाल है, केस यहाँ चर्चा में आना चाहिए या नहीं, काफी माननीय सदस्यों ने इस बात पर प्रकाश डाला, क्योंकि वास्तव में यह एक इंडियन कम्पनी है और इस तरह का सिलसिला अगर चालू हो गया तो यह बात एक स्पेशल ग्रांडिट में प्वायंट ग्राउंट हुई है, लेकिन वैसे भी नामल ग्रांडिट में पचासों तरह की बातें जब ग्रांडिट होता है तो ग्रांडिटर्स कई कम्पनियों की अपनी ग्रांडिट रिपोर्टें में देते हैं। अगर ये चर्चाएँ सीधी-सीधी यहाँ पर चर्चा में आने लगीं तो मैं यह मान कर चलता हूँ कि सदन में शायद इनके अलावा हम कोई और काम ही नहीं कर सकें। बहुत सी बातें, जो हमारे अभी बैंकिंग कम्पनीज एक्ट है 1970 और 1980 उसके एंकोइजली हम भी कई चीजों में बंधे

हुए हैं कि कोई बात बैंक कहां, किस हद तक बता सकता है, नहीं बता सकता है, हम कह सकते हैं या नहीं कह सकते हैं। लेकिन उसके बावजूद जो बात यहाँ आई इस कम्पनी के सिलसिले में तो इसमें तीन बातें महत्वपूर्ण हैं।

अभी जे०पी०सी० के बारे में यहाँ बात चल रही थी। सर, मैं इस संबंध में इतना ही कहना चाहता हूँ कि जो भी कुछ कागजात, जो भी कुछ इस कम्पनी में हुआ और उससे संबंधित जो भी कागजात जे०पी०सी० ने मांगे, वह आरबी०आई० ने जे०पी०सी० को प्रोवाइड करा दिए। जे०पी०सी० उसको किस रूप में देख रही है, क्या उसका करना है, मैं इस चीज में जाना या इस चीज पर कोई टीका-टिप्पणी करना बिल्कुल गलत समझता हूँ और जो माननीय जे०पी०सी० के सदस्य हैं उनको भी इस चीज को, इस बात को यहाँ डिस्कलोज नहीं करना चाहिए कि जे०पी०सी० उसका क्या करेगी।

3.00 P.M.

सिर्फ हम इतना मानते हैं कि यह मामला जे०पी०सी० के सामने किसी रूप में आया, जे०पी०सी० ने इसके कागजात मांगे और वह हमने उनको दे दिए। अब वह क्या फैसला करेगी, क्या उस पर सोचेंगी या किस प्रकार की रिपोर्ट देगी, यह तो उसकी रिपोर्ट आने पर ही पता लगेगा, लेकिन हाँ, उस आधार पर मैं इतना मान सकता हूँ और कह सकता हूँ कि जे०पी०सी० ने भी इससे संबंधित कागज मांगे हैं और ये उनके पास हैं। अब यहाँ जो भी माननीय जे०पी०सी० के सदस्य हैं और जे०पी०सी० की चर्चा यहाँ पर कर रहे हैं और इस चीज को इतना संयोजन समझते हैं या इस मामले में जो भी उनकी समझ के अनुसार इररेगुलैरिटी है तो वह जे०पी०सी० के सदस्य हैं, सारे कागजात जे०पी०सी० के पास हैं, वह उसके अकाउंटिंगली वहाँ जैसा चाहते हैं ... (व्यवधान) ...

SHRI S. JAIPAL REDDY : Mr. Minister, will you yield. ? You are an hon. Minister for Finance. Will you kindly state clearly whether JPC can look into this scandal or not.

DR. ABRAR AHMED : I cannot say anything about the JPC. I cannot give any directions. I can't say what JPC will do. JPC has asked for some documents. RBI has given some documents. I am saying only this thing. Why JPC asked, what JPC asked, this is not within my jurisdiction.

SHRI YASHWANT SINHA : We have very carefully listened to what the hon. Minister has said and what the other hon. Members of the ruling party had to say. It appears to me that the basic question that has been raised is that this House should not discuss it, either because one, it is a single company that we are discussing or, two, JPC may be seized of this matter. The point that I am making is—good, bad or indifferent—whatever we may think of the Chairman's decision, the Chairman has admitted this as a Calling Attention Motion. I do not even want to reply to these issues, because it will reflect one way or the other on the Chairman's decision. Now that the Chairman has admitted it, let us go into the merits of the case. Why are we getting *into technicalities saying the JPC is seized of it*, whether we should be discussing this or not, whether this should happen in the House or not ? These are irrelevant after the Chairman has admitted this Calling Attention. So, I would request the hon. Minister, instead of taking the time of the House, let him come straight to the merits of the case

(बिहार)

ओ एस० एस० अहलुवालिया : उपसभाध्यक्ष महोदय, यहाँ मेरिट ऑफ़ दे केस कैसे डिस्कस किया जा सकता है क्योंकि जो यह आरोप लगा रहे हैं तो उससे संबंधित हमारे पास कोई फाइल नहीं है इस कम्पनी की ... (व्यवधान) ...

ओ एस० जयपाल रेड्डी : फाइनेंस मिनिस्टर के पास है।

ओ एस० एस० अहलुवालिया : मेरी बात तो सुनिए, फाइनेंस मिनिस्टर बोलने से क्या होगा?

ओ एस० जयपाल रेड्डी : फाइनेंस मिनिस्टर कुछ भी नहीं है ? हमारे चारों तरफ बहुत कुछ है।

SHRI V., NARAYANASAMY : As a Member of the JPC you call for the documents and you ask the Finance Minister to reply. What a wonderful thing it is !

SHRI S. JAIPAL REDDY : Mr. Vice-

ओ एस० एस० अहलुवालिया : उपसभाध्यक्ष जी मेरी बात है कि अगर इस पर वाकई मेरिट पर बहुत ज्यादा इंटरेस्टेड है विपक्ष, इस केस को बहुत ज्यादा अच्छी तरह से देखने के लिए तो हाउस कमेटी बना लीजिए ... (व्यवधान) ...

Chairman, let there be a separate House Committee.

SHRI YASHWANT SINHA : We are all for it. Let there be a House Committee. Mr. Shiv Shankar has also suggested it. We all accept it.

SHRI S. JAIPAL REDDY : A suggestion was made by such a senior Member as Mr. Shiv Shankar. We all accept this officer.

SHRI YASHWANT SINHA : Mr. Vice, Chairman, I do not even want to listen to the Minister. (Let there be a House Committee. !

SHRI P. SHIV SHANKER : I have myself suggested that the entire working of this Bank has to be gone into. We should go into this.

SHRI S. JAIPAL REDDY : Yes.

SHRI YASHWANT SINHA : We all agree. Let Mr. Shiv Shankar decide the terms of reference.

SHRI S. JAIPAL REDDY : We are very grateful to Mr. Shiv Shankar. Let there be a House Committee.

SHRI S. S. AHLUWALIA : Let there be a House Committee. Call all papers. (Interruptions). We will discuss it.

SHRI V. NARAYANASAMY : Already one committee is se'zed of it. We want another House Committee. JPC is seized of this.

SHRI S. JAIPAL REDDY : We are very grateful to Mr. Shiv Shanker, who is a senior and respected Member of this House. He has made a very considered suggest'on that this matter be looked into by a House Committee. (*Interruptions*).

SHRI P. SHIV SHANKER : Not this matter alone, but the entire working of the bank.

SHRI S. JAIPAL REDDY : Yes, the entire working of the Andhra Bank and this affair be looked into by a House Committee. I think the suggestion made by Shri Shiv Shanker is excellent. We endorse it totally and want the Minister to accept it.

SHRI P. SHIV SHANKER : Mr. Vice-Chairman, I would like to make one poin(clear. My friend was raising a question about the admissibility of the Calling Attention Motion and, therefore, we need not raise these issues. The point was very simple. At the time when the matter was before the Chairman, it is doubtful whether all these facts were before him.

SHRI YASHWANT SINHA : That we cannot discuss.

SHRI P. SHIV SHANKER : That is what I am saying. Therefore, if we art raising those issues here, it is not as though we are stopped from raising those issues. We have the authority to raise. We have the right to raise. I raised it on certain other grounds. I said it very categorically, "Should a single individual's issue be taken up by way of a calling-attention motion ?" Let us decide it (*Interruption*).

SHRI YASHWANT SINHA : It was the overdraft of Harshad Mehta with the State Bank which led to the discovery of the scam. One person was involved.

SHRI P. SHIV SHANKER : I am not saying anything on that. What I am trying to say is to say that merely because the Clhairman has admitted it, we need not go into these issues, would be puting up the case too high. That cannot be the correct approach .The Chairman has admitted it. But still, it is left to us to make our own submissions and those submissions whch we thought were relevant were raised.

SHRI S. JAIPAL REDDY : Sir, I am on a point of order. Can the Minister question a decision of the Chairman after the dec's'on has been taken ? Here is a Minister who has questioned. (*Interruptions*).

SHRI V. NARAYANASAMY : He has not questioned it. We would like to submit that the calling-attention should not have been admitted. That is our point of view. We are entitled to give our point of view. (*Interruptions*).

SHRI S. JAIPAL REDDY : All of us agree on a House Committee. Will the minister do it ? Membets of that party and th's party are both agreed. That is the end of the matter. (*Interruptions*).

डा. अब्दुल ग़ह्वर : रेडडी साहब, वर्मा कमीशन पर भी डिसकशन करना है। उन्होंने अपनी रिक्वेस्ट से पहले ही हो जाने दिया। अब टाइम पर खतम करें ताकि आपने बिजनेस हो सके। ... (व्यवधान) ...

श्री जयदीप प्रसाद माथुर : मेरी जानकारी में नहीं है कि कुछ कांग्रेस के मित किसी व्यक्ति को बचाना चाहते हैं और इधर से भी शायद कुछ आरोप लगें हैं। ... (व्यवधान) ...

श्री पी. शिव शंकर : देखिए, माथुर साहब, इस तरीके की बात न कीजिए। मैंने सबसे पहले इस बात को साफ किया है कि we will not stand in the way. Let the law take its own course. I have said. that

नहीं, आप इस तरीके से क्यों हम पर आरोप लगा रहे हैं ? कोई कांग्रेस का आदमी यह नहीं

बोल रहा है। क्या मैं यह कहूँ कि आप लोगइन्टरस्टेट है किसी परसन में। ... (व्यवधान)

श्री जगदीश प्रसाद माथुर : आपने समझा नहीं है। मैंने कहा कि मुझे पता नहीं, क्या है ?

श्री पी. शिव शंकर : क्या पता नहीं कि क्या है ? आपके बोलने का जो ढंग है ... (व्यवधान) ...

श्री जगदीश प्रसाद माथुर : क्या बैंक के लोगों ने गड़बड़ी की है ? बैंक के लोगों की रिस्पॉन्सिविलिटी है ? क्या इन्कम टैक्स के लोगों ने गड़बड़ की ? ... (व्यवधान) ...
I hold them responsible.

SHRI V. NARAYANASAMY : Have you any evidence for that. You are saying that the bank people are involved. Do you have any evidence. Do not make wild allegations like this. (Interruptions).

श्री जगदीश प्रसाद माथुर : कौन कम्पनी है ? कौन व्यक्ति है ? इसका संबंध नहीं है। ... (व्यवधान) ... हमारा जो कन्सर्न है। ... (व्यवधान) ...

SHRI V. NARAYANASAMY : Have you got any documentary evidence for that ? Whenever somebody speaks, you rise to speak without any authenticity. What is the sanctity behind that ? The Minister has given his reply. What more do you want ? (Interruptions).

श्री जगदीश प्रसाद माथुर : आप चिल्ला सकते हैं नारायण स्वामी जी, हम नहीं (व्यवधान) ...

डा. अब्दुल अहमद : माथुर साहब, मुझे भी बोलने देंगे ? ... (व्यवधान) ...

श्री जगदीश प्रसाद माथुर : मैं यह कहना चाहता हूँ कि मंत्री महोदय कम्पनी का क्या कर रहे हैं या क्या नहीं कर रहे, वह कन्सर्न हो सकता है। मैं इस समय उससे कन्सर्न नहीं हूँ। जो बैंक के लोग, गवर्नमेंट के इन्कम टैक्स के लोग संबंधित हैं, उनके खिलाफ आप कार्यवाही करेंगे या नहीं करेंगे? यह मुझे जवाब दीजिए।

SHRI V. NARAYANASAMY : If the case has been proved. (Interruptions) .. whether you are ; satisfied with that. First of all, you come! to that point.

डा. अब्दुल अहमद : सर, धुंसे हैरत है। मैंने अपनी बात शुरू ही इस बात से की थी कि कोई भी व्यक्ति किसी भी स्तर का, किसी से संबंधित हो, लेकिन अगर वह गिल्टी पाया जाता है, चाहे वह बैंक हो या बैंक अधिकारी हो या इंडिविजुअल हो, निश्चित रूप से कानूनों के तहत, नार्मस के तहत जो भी कार्यवाही उसके खिलाफ होनी चाहिए, वह होगी। यह सबसे पहले मैंने कहा है। ... (व्यवधान) ...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : सदस्यों का कहना है कि गिल्टी कैसे पाएंगे ? उसके लिए हाऊस कमेटी बनाएँ आप ?

डा. अब्दुल अहमद : अगर फैसला यही कर लेंगे कि हाऊस कमेटी बनाना है या क्या बनाना है, तो मंत्री की जरूरत ही क्या है। ... (व्यवधान) ...

Let them take a decision.

SHRI JAGDISH PRASAD MATHUR : High Court decision.. (Interruptions). That is what we want.

!

डा. अब्दुल अहमद : आप अगर बोलने दें तो मैं उसकी भी बात करूँगा, उसके अलावा भी बात करूँगा। सर, मुझे जे०पी०सी० के बारे में कुछ नहीं कहना, सिर्फ इतना मैं कह रहा था कि जो कांग्रेस जे०पी०सी० ने इस संबंध में मांगे, वह दे दिए। माननीय संसद सदस्य और जे०पी०सी० के सदस्य यह ज्यादा जाने कि उसमें क्या करना है, कैसे करना है, बहरहाल यह उनके सोचने की बात है। हम तो सिर्फ इतना ही कह सकते हैं कि जो आर०बी०आई० से इस संबंध में, इस मामले में जे०पी०सी० ने कांग्रेस मांगे थे, वह उनको दे दिए गए हैं। दूसरी बात, जो इसके संबंध में है स्पेशल ऑडिट के बारे में, तो मई-जून, 1992 के अन्दर एक शिकायत इस बारे में माननीय संसद सदस्यों की वित्त मंत्री जी को मिली थी और 27 जून, 1992 को उन्होंने आर०बी०आई० को स्पेशल ऑडिट के लिए

मीजिएट लिखा और 20 जुलाई, 1992 को आर०बी०आई० के द्वारा आनन्द एण्ड कम्पनी को स्पेशल आडिटर एपायण्ट किया गया था। और 12-10-92 को स्पेशल आडिटर द्वारा अंतरिम रिपोर्ट दी गई और उसके बाद 18-12-92 को दी, 28-12-92 को दी, 9-1-93 को दी, इस तरह से टुकड़ों के अन्दर उन्होंने रिपोर्ट दी और उस रिपोर्ट को 10 मार्च, 1993 को आर०बी०आई० ने बैंक के पास भेजा है। पैरावाइज कमेंट्स के लिए और 7 अप्रैल को आर०बी०आई० ने सरकार को उस आडिटर रिपोर्ट की कॉपी भेजी है। अब इस संदर्भ में जो भी कमेंट्स बैंक के आगेंगे और जो भी उसके बाद प्राइमफेसी बनेगा—इर्रेगुलैरिटीज किसने की, किस तरह की, कौन बैंक अधिकारी उसमें दोषी है, कौन सा बैंक उसमें दोषी है—उसके बाद निश्चित रूप से जो कार्रवाई आर०बी०आई० कर सकती होगी, आर०बी०आई० द्वारा कराई जाएगी। अगर आर०बी०आई० नहीं करती है और सरकार यह महसूस करती है कि इसमें गलतियाँ हुई हैं, तो जो भी कानून के तहत उनके विरुद्ध कार्रवाई की जा सकती है, वह की जाएगी।

इसके साथ ही एक बात पार्टनरशिप फर्म को कम्पनी में कन्वर्ट करने की थोड़ी सी उड़ी थी, उस संदर्भ में माननीय सिन्हा साहब ने अपनी बात के दौरान कोर्ट केस का थोड़ा सा हवाला दिया था। तो वह भी इस केस का एक तीसरा पक्ष है कि एक पार्टनरशिप फर्म कम्पनी बनी, उसके अन्दर हाई कोर्ट ने फैसला दिया कि वह गलत है, लेकिन उसी कोर्ट की डबल बेंच ने उसके अन्दर स्टे दे दिया। तो वह हमारा सब-मूशियम है, हाईकोर्ट भी इसके अन्दर जो फैसला देगी, जिस भी तरह की बात कहेगी, सरकार उसके एकाउंटिंगली उस चीज को देखेगी।

जहाँ तक सरकार की नीयत का सवाल है, कुछ माननीय सदस्य तो, मैं यशवंत सिन्हा जी को इस बात के लिए तो बधाई देना चाहूंगा कि उन्होंने वित्त मंत्री के इस स्टैंड को एप्रिसिएट किया कि उन्होंने इम्पीजिएट इस पर एक्शन लेने के लिए और स्पेशल आडिटर रिपोर्ट लिखने के लिए कहा और उन्होंने अपनी बात में इसे

एप्रिसिएट किया, लेकिन कुछ सदस्यों ने इस बात के लिए यह इशारा करने की कोशिश की कि इसमें सरकार की या तो नीयत साफ न हो या पोलिटिकल पार्टी के तहत किसी को सहयोग करना चाहती हो। जब यह बात माननीय वित्त मंत्री जी के पास आई, उन्होंने इम्पीजिएट इसके लिए स्पेशल आडिटर के लिए कहा। उप-सभाध्यक्ष महोदय, ऐसी बात नहीं है कि यह बात पहली बार शिकायत के रूप में आई हो। मेरे पास ये कुछ लैटर्स हैं जो 12 जनवरी, 1990 के हैं। उस समय सांसद शिव नारायण वर्मा जी ने यह लेटर लिखा था, तब माननीय मधु दण्डवते जी वित्त मंत्री थे, और उसके साथ-साथ यह शखबार की कंटिंग भी लगाई थी, इसी कम्पनी के बारे में कुछ इर्रेगुलैरिटीज के बारे में माननीय मधु दण्डवते जी ने उनको जवाब दिया था :—

“अध्यक्ष विजया बैंक द्वारा ऋण देने के संबंध में की गई कथित अनियमितताओं के संबंध में जो आपका पत्र प्राप्त हुआ, मैं इसे आवश्यक कार्रवाई हेतु विभाग में दिखवा रहा हूँ।”

उसके बाद इस पर आवश्यक कार्रवाई हुई और कार्रवाई होने के बाद 4 सितम्बर, 1990 को, जब माननीय रेड्डी जी की पार्टी की सरकार थी, उस समय इसका जवाब गया वर्मा जी को और वह जवाब गया :—

“ऋण बिना तारीख के अपने पत्र का अवलोकन करें जो अध्यक्ष एवं प्रबंध निदेशक, विजया बैंक द्वारा ऋण मंजूर करने में की गई अनियमितताओं से संबंधित है। विजय बैंक ने सूचित किया है कि मैसर्स प्रोप्रिेटिव कंस्ट्रक्शन प्राइवेट लिमिटेड को बैंक गारण्टी सुविधा आन्ध्र बैंक, कारपोरेशन बैंक और विजया बैंक के सहायता संघ, कन्सोरशियम द्वारा उपलब्ध कराई गई थी। पार्टी को बैंक गारण्टी सुविधा में विजया बैंक को भागीदारी का निर्णय निदेशक बोर्ड के स्तर पर लिया गया था। विजय बैंक के अनुसार बैंक की शाखा मंडल कार्यालय अंचल कार्यालय अथवा प्रधान कार्यालय में रखे रिकार्ड से इस मामले में कोई भी प्रतिकूल तथ्य सामने नहीं आता।”

आपकी सरकार के टाइम में यह प्रमाण-पत्र दिया गया था, हमने नहीं दिया था यह। लेकिन उसके बाद भी हमारी सरकार को जैसे ही यह बात बताई गई, तत्काल तथ्यों की जानकारी करने के लिए स्पेशल आडिट का निर्देश दिया गया, स्पेशल आडिट रिपोर्ट आई है, रिजर्व बैंक ने उसको बैंकों के पास रिपोर्ट के लिए भेजा है और जैसा मैंने कहा कि कोई भी व्यक्ति हो, चाहे वह बैंक का अधिकारी हो, चाहे एम०डी० हो, चाहे कोई और हो, उसके अन्दर जो भी दोष पाया जाएगा किसी भी कानून के तहत उसको सजा दी जाएगी। आज की स्थिति हम नहीं कह सकते कि कौन किस केशिनी का दोषी है, उसे फांसी पर चढ़ा दें या जेल में बंद कर दें या क्या कार्यवाही करें, पहले प्राइमरफेसी इन्वेस्टिग करनी पड़ेगी और जब उसमें प्राइमरफेसी इन्वेस्टिग हो जाएगी कि कौन व्यक्ति किस काम के लिए कितना दोषी है, उसके लिए देश के अन्दर हर तरह का कानून है और जो कानून जिस पर लग सकता होगा उसके तहत उसके ऊपर कार्यवाही की जाएगी, यह मैं माननीय सदस्यों को आश्वासन देना चाहता हूँ।

माननीय माधुर साहव ने इन्कम टैक्स के बारे में बात उठाई कि इस कम्पनी की इन्कम टैक्स के बारे में भी कुछ इररेगुलैरिटीज की बात है। तो 13 जनवरी, 1992 को माननीय मनमोहन सिंह जी ने लक्ष्मी नारायण पाण्डेय, एम०पी० को जो पत्र लिखा, उनको उन्होंने यह बात प्वाइंट आउट की थी और उसके साथ ही साथ माननीय वित्त मंत्री जी ने इस बात को जो भी इन्कम टैक्स डिपार्टमेंट के आफिसर्स हैं, चीफ कमिश्नर हैं, उनको कहा है लिखा है और नाम्स के मुताबिक जो भी कुछ हो सकता है, वे उसके अन्दर देख रहे हैं और कर रहे हैं।

इस संबंध में कांग्रेस पार्टी की सरकार की नीयत बिल्कुल साफ है कि कोई भी व्यक्ति, किसी भी स्तर का, किसी भी जगह, अगर किसी भी चीज के लिए दोषी पाया जाता है तो निश्चित रूप से हम उसके खिलाफ कानून के तहत कार्रवाई करेंगे।

श्री एच. जयपाल रेड्डी : हाऊस कमेटी का क्या हुआ ?

श्री यशवन्त सिन्हा : मेरा एक सिम्पल सवाल है मंत्री जी से। क्या मंत्री जी ने स्पेशल रिपोर्ट को देखा है, पढ़ा है और अगर उन्होंने देखा है, पढ़ा है, तो उस आडिट रिपोर्ट में इररेगुलैरिटीज है, उसके बारे में मंत्री जी क्या सोच रहे हैं?

डा. अय्यरार प्रहमद : सभी किसी भी आडिट रिपोर्ट को यहां डिस्कस करना या उसके बारे में यहां कुछ कहना क्या सही होगा तो मैंने कहा कि बहुत सी चीजों में मेरी बाध्यता है कि यहां वह कह सकता है या नहीं कह सकता है? विभिन्न तरह के एक्ट हैं। किसी इंडिविजुअल (व्यवधान) ...

SHRI YASHVANT SINHA : This is a public document. I have got a copy of it.

डा. अय्यरार प्रहमद : आई एम नोट सेइंग - पब्लिक डॉक्यूमेंट। मैं क्या कह सकता हूँ, किस चीज की यहां चर्चा कर सकता हूँ, किस आडिट रिपोर्ट की चर्चा कर सकता हूँ या नहीं कर सकता हूँ, इस बारे में मैं अपनी बाध्यता समझता हूँ। मैंने कहा है कि जो रिपोर्ट आई है, मैंने उसके बारे में पैरावाइज कमेट्स मंगे हैं और कमेट्स आने के बाद जब हम इस बात को एस्टिब्लिश कर लेंगे। What is right or wrong? Who is guilty? What are the facts?

और यह हमने स्वीकार किया है अपने स्टेटमेंट में भी और मैं कह भी रहा हूँ कि हाँ, कुछ इररेगुलैरिटीज मिली हैं। That is all.

SHRI S. JAIPAL REDDY : Mr. Vice-Chairman, I am on a point of order. The Calling Attention Motion was based on the Special Audit Report, if the Minister does not take the House into confidence in regard to the irregularities pointed out in that report, then what is it that the House is discussing and to what is the Minister responding? We are finding that the House is in a quandary. And he does not agree to our demand to appoint a House Committee. This demand is being agreed to on all sides. Mr. Yashwant

Sinha did not raise it. It was Mr. Shiv Shanker, a very senior Member of the House. It is not a party matter at all. I certainly share the sentiments of the Minister.....(interruptions)..

SHRI V. NARAYANASAMY : You are trying to politicise the issue.... (interruptions). You are ringing politics..... (interruptions)

SHRI P. SHIV SHANKER : Mr. Vice-Chairman, does the audit report say that he owes a single paisa to any bank ?

SHRI S. JAIPAL REDDY : Why not? It does say.

SHRI P. SHIV SHANKER : It does not say.

SHRI S. JAIPAL REDDY : It does say.

SHRI P. SHIV SHANKER : It does not say.

SHRI S. JAIPAL REDDY : No, no. Let the Minister.... (interruptions') ..

SHRI YASHWANT SINHA : I have not quoted from the audit report, but, Mr. Shiv Shanker, if the House wants, I can quote copiously.....(interruptions) . about the various irregularities. (interruptions)....

SHRI P. SHIV SHANKER : I don't have a copy. He has got. About the bank officials they have mentioned, but they did not say whether he owes any amounts, whether at any point of time he has taken more than Rs. 25 lakhs.....(interruptions) . Nothing has been said about it. Nothing has been said about it.

SHRI S. JAIPAL REDDY: The figure Mr. Shiv Shanker is referring to is ridiculous. It availed of the bank guarantees.. (interruptions)....

SHRI P. SHIV SHANKER: Mr. Jaipal Reddy, bank guarantee is a different thing which I have myself said. Not a single

bank guarantee for the last 25 years has been encashed.... (interruptions) ..

SHRI S. JAIPAL REDDY : I am only trying to enquire why the Finance Minister is maintaining silence on this. Why don't you tell the House ? (Interruptions)

SHRI P. SHIV SHANKER : How do you blame him i ... (interruptions) Let us not talk irresponsibly. Let us talk something responsible.

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : जयपाल रेड्डी जी, जो प्रश्न कर रहे हैं, मंत्री जी, अगर जवाब दें तो ठीक है। वह इस बारे में चर्चा कर चुके हैं।

श्री एस० एस० अहलुवालिया : सवाल इस बात का है कि जयपाल रेड्डी जी, सीनियर सदस्य हैं और इस सदन में जनता दल के लीडर भी हैं। परन्तु इनको इस चीज का पता नहीं है कि कैश क्रेडिट लिमिट और बैंक गारंटी लिमिट में क्या फर्क होता है। यह मालूम नहीं है इनको।

SHRI S. JAIPAL REDDY: Mr. Vice-Chairman, I have absolutely no hesitation in admitting that I know less about this matter than Mr. Ahluwalia. The point is, why is it that the Minister is not taking the House into confidence in regard to the contents of the special audit report ? He says he admits that irregularities have been found. He does not refer to the kind of irregularities that have been found.

THE VICE-CHAIRMAN (SHRI MD. SALIM): O.K. Mr. Jaipal Reddy, Mr. Minister has already said that he has asked for para-by-para report, and comments, and then they will take a decision. . (interruptions). The Minister said it.. (interruptions)..

अब कुछ कहना है मंत्री जी, आपको?

डा० अब्दुल अहमद : नहीं।

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now, we will take up the Short Duration Discussion.

SHRI YASHWANT SINHA : Mr. Vice-Chairman, just one little point I will ask. I am not interested in witch-hunting, Let me assure everyone in this House, but I would just like one little clarification to be given by the Minister. Can he give us a time limit within which he is going to report back to the House about the action taken, I mean, this is written in the Vedas that if everything is wrong and

कानून, नियम भंग हुआ है तो वह अगर गिल्टी साबित होगा तो हम कार्रवाई करेंगे।

This we have heard from eternitv

तो यह जो जनरल चीज आपने कही है, तो आप स्पेसिफिकली यह बताइए कि इस ऑडिट रिपोर्ट पर इस सदन में आकर कब बयान देंगे?

डा० अब्दुल अहमद : मुझे आश्चर्य है कि माननीय श्री यशवन्त सिन्हा जी खुद वित्त मंत्री रहे हैं और सरकार के अन्दर जिम्मेदार पदों पर रहे हैं और वह इस तरह का सवाल पूछ रहे हैं। यह तो एक सतत कंटीन्यूअस प्रोसेस है कि कहां, किसको कितना समय लगेगा। ... (व्यवधान)

श्री विम्विजय सिंह (बिहार) : बताए कि छः महीने या, साल भर या, दो साल या, कितना टाईम लेंगे?

श्री अब्दुल अहमद : मुझे आश्चर्य है कि माननीय यशवन्त सिन्हा जी खुद वित्त मंत्री रहे हैं और सरकार के जिम्मेदार पदों पर रहे हैं और वह इस तरह का सवाल पूछ रहे हैं। यह तो एक सतत, कंटीन्यूअस प्रोसेस है। कहां, किसको, कितना समय लगेगा यह कहना तो मुश्किल है ... (व्यवधान)

SHRI DIPBN GHOSH : Mr. Vice-Chairman. I had put a very simple question. I appreciated the Finance Minister's action in asking the RBI to institute a special audit. Now, they have with them 1098 RSS/94—21.

the special audit i report. It is good that the concerned bajns have been asked to submit para-wise icomments. I would like to know whether banks have been asked to submit their para-wise comments with in a time-frame,

श्री अब्दुल अहमद : सर, टाईम फ्रेम तो उनको नहीं दिया गया है ... (व्यवधान) आपके रहते इन्होंने कितना किया, वह तो मैंने पढ़कर सुना दिया। जो रहे हैं, दूसरों ने क्या किया, मैं सब कामज लेकर आया था और वह मैंने आपको बताना दिया। उन बैंक के अन्दर कब तक वह देंगे, क्या देंगे, इस संबंध में प्रारंभिक ऑडिट की जवाब मिल गए हैं और कुछ बैंकों के जवाब आने वाले हैं। तीन बैंकों के जवाब मिल गए हैं और बाकी के आने वाले हैं। मामला ऐक्सपिडाइट किया जा रहा है। किसी की नीयत में फर्क नहीं होना चाहिए। मैंने जो डेढ़-दो साल बताया, इसमें मेरी भंजा यह थी कि सरकार की नीयत में कोई फर्क नहीं है। जैसे ही बात माननीय वित्त मंत्री जी के पास आई, फौरन उन्होंने स्पेशल ऑडिट के आर्डर किए और उसके बाद जिस गति से यह मामला चला, उसको देखकर कहा जा सकता है कि मामले को ऐक्सपिडाइट किया गया। अगर नीयत पर शक करके पूछा जाए या उस दृष्टि से देखा जाए तो उसका कोई इलाज नहीं है ... (व्यवधान)

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : नीयत का सवाल नहीं है, समय सीमा बता दीजिए।

श्री अब्दुल अहमद : मैंने कहा है कि इस चीज के अन्दर अगर कोई भी ग्रादमी दोषी पाया जाएगा, इस बारे में मिनिस्टर साहब का भी एम्प्योरेंस है कि उस पर ऐक्शन लिया जाएगा जो भी कानून के अन्तर्गत उस पर केंस बनता है।

SHRI S. JAIPAL REDDY: None of the Members from this side levelled any allegation. We have only seized the opportunity given by Mr. P. Shiv Shanker to demand a House! Committee.

SHORT DURATION DISCUSSION

Report of the One-Man Commission of inquiry, headed by justice J.S. Verma, into the assassination of Shri Rajiv Gandhi former Prime Minister of India.

श्री सुरेश पचौरी (मध्य प्रदेश) : माननीय उपसभाध्यक्ष महोदय, श्री राजीव गांधी की निमंत्रित हत्या एक राष्ट्रीय क्षति रही है। जिस प्रसन्नचित और युवा व्यक्तित्व को हमने प्रधानमंत्री के रूप में देखा और सुना, आज उनकी मृत्यु के बाद बने बर्मा जांच आयोग की रिपोर्ट पर हम दुःखी विल से विचार कर रहे हैं।

(श्री बी० नारायणसावामी पीठाधीन हुए)
आज निराशा में डूबा हुआ सदन इस बात पर विचार कर रहा है कि जस्टिस वर्मा जांच आयोग के क्या निष्कर्ष थे, उन्होंने क्या अनन्तजन निकाले जिसके कारण हमने राजीव जी को खो दिया हम सब इस कष्ट और उदासीनता की अनुभूति का अनुभव कर रहे हैं क्योंकि आज राष्ट्र के सामने यह प्रश्न है कि क्या हम ऐसे राष्ट्र-भक्तों को ऐसे ही खोते रहेंगे जिन्होंने देश के लिए अपने आपको समर्पित कर दिया था जिनके परिवार का न केवल भारत को परतन्त्रता की बेड़ियों से मुक्त कराने में योगदान रहा बल्कि आजाद भारत को खुशहाल बनाने की जिन्होंने कोशिश की और स्वयं राजीव गांधी जी के दौर में जिस भारत देश ने प्रगति और विकास के द्वार पर दस्तक दी।

मान्यवर, मुझे याद है जब राजीव गांधी जी को नृणस हत्या हुई थी तो इस सदन में सारी राजनीतिक पार्टियों के लोगों ने राजनीतिक पार्टी से ऊपर उठकर न केवल उनकी हत्या की आलोचना की थी बल्कि उन्हें देश का एक महान सपूत भी कहा था।

इसके बाद सभी राजनीतिक पार्टियों के लोगों ने एक स्वर में यह मांग की थी कि राजीव गांधी जी की हत्या की न्यायिक जांच होनी चाहिए। उस न्यायिक जांच का क्या निष्कर्ष निकला जिसकी मांग सारी राजनीतिक पार्टियों के लोगों ने की थी, उसी पर आज हम चर्चा कर रहे हैं। मुझे विश्वास है कि जिस भावना से हमारे सदन के सारे सदस्यों ने, राजनीतिक पार्टियों से ऊपर उठकर उस समय राजीव गांधी जी की नृणस हत्या की आलोचना की थी और उसकी न्यायिक जांच की

की मांग की थी, तो आज जब हम उस पर चर्चा कर रहे हैं तो राजनीति की सीमाओं को लांघकर जब हम इस पर चर्चा करें तो हम इस नतीजे पर पहुंचें कि इसके लिए दोषी जो हैं उनके खिलाफ कार्यवाही हो क्योंकि ऐसे महापुरुष जिसकी हत्या से पूरा राष्ट्र शोक में डूब गया था, संसद से लेकर सेवा तक बड़े विक्षिप्त अवस्था में थे और मुझे रहीम के कुछ शब्द याद आ रहे हैं कि—

रहिमन फिर फिर बोझ, दूटे मुक्ताहार।

यदि हमने इस पर ध्यान नहीं दिया कि हम निष्पक्षता से और स्वच्छता से राजनीतिक सीमाओं को लांघकर जब हम डिस्कशन में भाग लें तो हमें आगे पछताना पड़ेगा क्योंकि रहीम ने यह कहा है—

रहिमन कुटिल कुठार खो करि डारत दी दूक
चतुरन के कशत रहत, समय चूक की दूक।

इसलिए हमें एक स्वर में यह निर्णय लेना है कि बर्मा जांच आयोग ने जिनको दोषी ठहराया है हम उनके खिलाफ कार्यवाही करने की मांग करें।

मान्यवर, इसके दो तीन पहलू हैं। पहला तो यह है कि राजीव गांधी जी की हत्या के लिए प्रमुख कारण क्या थे। जो प्रमुख कारण बर्मा जांच आयोग के निष्कर्ष में निकला है वह यह है कि सेक्युरिटी प्रोटेक्शन ग्रुप का विडमाल हुआ। मिस्टर जस्टिस वर्मा ने अपनी रिपोर्ट 12 जून, 1992 को प्रस्तुत की और उसमें उन्होंने इस चीज को इंगित किया कि राजीव गांधी जी ने 2 दिसम्बर, 1989 को सत्ता त्यागी। उसके बाद जो हाई पावर कमेटी की बैठक हुई 4 दिसम्बर, 1989 को उसमें यह निर्णय लिया गया कि राजीव गांधी जी को एस०पी०जी० की सेक्युरिटी देना जारी रखना चाहिए।

मैं पेज 73 को उद्धृत करना चाहूंगा जिसमें लिखा गया है :

"Record note of discussion held by Cabinet Secretary on 4th December, 1989: