

उपसभापति: मंत्री जी, जो सुझाव दिए गए हैं उन पर आप खुले दिमाग से सोचिए और जो सजेसन आए हैं, वह किसी पार्टी विशेष की तरफ से नहीं हैं, सभी सदस्यों की तरफ से हैं। अहलुवालिया जी, हनुमंतया जी, सभी पार्टियों के लोग बोले हैं। इसलिए कृपया ध्यान दीजिए।

The question is:

"That that Bill to validate the imposition and collection of cesses and certain other taxes on minerals under certain State laws, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3 and the Schedule were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI BALRAM SINGH YADAV: I move:

"That the Bill be returned."

The question was put and the motion was adopted.

SHORT DURATION DISCUSSION ON THE PROGRESS OF INVESTIGATION INTO BOFORS GUN DEAL

THE DEPUTY CHAIRMAN: Now, as planned, we will take up the Short Duration Discussion on Bofors gun deal, and I think as it was decided, I will ask the Rakhsha Rajya Mantri to make his statement.

THE LEADER OF THE OPPOSITION (SHRI S. JAIPAL REDDY): We have no objection to the statement. If it had been circulated earlier, we could have gone through it and formulated our response.

THE DEPUTY CHAIRMAN: If it was a Calling Attention, it would not have been circulated to you. At least we are going half-way here and half-way there. *(Interruptions)* Mr. Narayanasamy, if you please sometimes do not disturb, I will be highly obliged, *(Interruptions)* because you know we came to this agreement later.

SHRI V. NARAYANASAMY (Pondicherry): It should have been circulated

one day earlier. *(Interruptions)*

AN HON. MEMBER: Where is the Defence Minister? *(Interruptions)*

THE DEPUTY CHAIRMAN: The Defence Minister, as I said in the morning in the meeting, had to go abroad, which was a prior commitment. I also announced here in the House.

SHRI DIPEN GHOSH (West Bengal): This notice was accepted earlier.

THE DEPUTY CHAIRMAN: This notice was accepted earlier. But I have got a letter. Shall I read out that letter, addressed to the Chairman?

"Sir, I have to be abroad on 2nd April on urgent affairs of the State. I shall be unable to be present in the Rajya Sabha during the discussion on the progress of the investigation into the Bofors gun deal...."

(Interruptions)

The same rule applies to you also, which applies to Mr. Narayanasamy. *(Interruptions)*

SHRI DIPEN GHOSH: The Foreign Minister's visit...*(Interruptions)*

THE DEPUTY CHAIRMAN: It was decided. You were a party to that decision. You agreed to it. So let us go ahead.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD): The Foreign Minister's programme abroad was fixed a month back. Twenty days before he had written to me that he will be away from 2nd to 11th. So it is not that only the day before or two days before it was decided. The programme was pre-decided as long as one month back.

THE DEPUTY CHAIRMAN: Rakhsha Rajya Mantri is a very competent person.

SHRI DIPEN GHOSH: It is not a question of competence. *(Interruptions)*

THE DEPUTY CHAIRMAN: Let us not *(Interruptions)*. I am not going to entertain any argument now.

SHRI DIPEN GHOSH: I am not questioning his competence. I am aware that

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Rakhsha Rajya Mantri is...

THE DEPUTY CHAIRMAN: I will not... (*Interruptions*) What is the whole trouble with you, Mr. Dipen Ghosh?

SHRI DIPEN GHOSH: The question was that it was a very important issue.

THE DEPUTY CHAIRMAN: I know it is. Mr. Dipen Ghosh, nobody can be more senior than the Prime Minister. You know very well that we have had a discussion in my Chamber, and the Prime Minister has been requested to come in and intervene. So, please.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): Let the statement be circulated now.

उपसभापति: मैंने अभी कहा कि कॉलिंग अटेंशन का स्टेटमेंट सर्कुलेट नहीं होता। कितनी दफा बोलू? आप तो सुनते ही नहीं। कॉलिंग अटेंशन का स्टेटमेंट सर्कुलेट नहीं होता। मंत्री बोलता है। यह अभी सुबह निर्णय हुआ। इतनी जल्दी स्टेटमेंट तैयार नहीं होता। आप सुन लीजिए..... (व्यवधान)

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI S. KRISHNA KUMAR): Madam, in the past few days, several hon. Members have sought to know the latest position in respect of the investigations in the Bofors case, specially in the context of certain reports which appeared in a Swedish newspaper, in February 1992, and subsequently in our newspapers. Apprehensions have been expressed that the investigations are not being seriously pursued.

In this background, I am placing before this august House the recent progress of the case, to enable appreciation of the correct facts. However, it is pertinent to mention that this case is sub-judice in courts in India and abroad.

As this House is aware, investigations in the Bofors case stand entrusted to the CBI which had registered a Preliminary Enquiry on 8th November, 1988. The House would recall that an MOU was signed between Government of India and the Swiss Federal Government on 20th February, 1989, to provide mutual assistance in criminal matters.

SHRI S. JAIPAL REDDY: Madam, I am on a point of order. This case is pending in the Swiss courts. It is not pending in the Indian courts. He made a wrong statement which is again giving a wrong signal.

SHRI S. KRISHNA KUMAR: My colleagues, Shri Chidambaram and Smt. Margaret Alva and myself will be intervening and answering all the points towards the end. Let me complete the statement.

THE DEPUTY CHAIRMAN: Let him complete. (*Interruptions*) If in your opinion, Mr. Jaipal Reddy, he is making a wrong statement, while you are arguing, at that time...

SHRI DIPEN GHOSH: No, no. It is giving a wrong signal...

SHRI S. JAIPAL REDDY: It is giving a dangerous and a contrary signal.

SHRI KAMAL MORARKA (Rajasthan): Madam, there is an interlocutory proceeding pending in an Indian court by a person who is accused. Why does he say that the main case is pending? The Minister should give the statement in a proper way. We have no objection. Every citizen has a right to go to a court of law.

SHRI S. KRISHNA KUMAR: The later part of my statement will amply answer this.

SHRI S. JAIPAL REDDY: Mr. Solanki had to pay the price for exactly stating the same thing in the note. You are repeating the same thing. Mr. Solanki had to pay the price.

SHRI S. KRISHNA KUMAR: You please listen to the statement in full.

उपसभापति: आप लोग तो सुनना ही नहीं चाहते हैं। सुन लीजिए, जरा शान्ति के साथ बैठिए, सुनिए।... (व्यवधान)

SHRI S. JAIPAL REDDY: It is dangerous...

उपसभापति: अभी डेन्जरस है, तो हाउस में कुछ भी बोला जाता है तो डेन्जरस है, आप भी बोलते हैं..... (व्यवधान) I have to do the shock-absorber's job.

SHRI S. KRISHNA KUMAR: Madam, I may recall that two Letters

Rogatory were sent to the Swiss authorities in February, 1989. Subsequently, the CBI registered a Regular Case on 22nd January, 1990.

The CBI took up the matter with the Swiss and Swedish authorities, seeking their assistance in the investigations. As a result of the CBI's efforts, the Swiss authorities froze certain Swiss bank accounts on 26th January, 1990. A Letter Rogatory was issued by the Special Judge, Delhi, on 7th February, 1990, which was presented to the Swiss authorities.

THE DEPUTY CHAIRMAN: May I interrupt the Minister for a minute? The statement, I believe, is long. And the Secretariat informed me that on the demand of the Members, the copies are ready. If the House so agrees, after he makes his statement, I will adjourn the House for lunch for one hour, and the copies will be distributed before I adjourn so that you will have one hour to read that statement. Okay? Is it agreeable?

SOME HON. MEMBERS: Yes, yes.

SHRI YASHWANT SINHA (Bihar): We take it as read.

1.00 P.M.

श्री रत्नाकर पाण्डेय (उत्तर प्रदेश): स्टेटमेंट की कपी हिन्दी में भी अवेलेबल होनी चाहिए।

उपसभापति: हिन्दी, अंग्रेजी, उर्दू और दूसरी किसी भाषा की बात नहीं लाइये। पाण्डेय जी बैठ जाइये। मिनिस्टर साहब आप बोलिए, इनकी बात पर ध्यान मत दीजिए। (व्यवधान)

SHRI KAMAL MORARKA: Let him place it on the Table of the House.

SHRI YASHWANT SINHA: Just as you permitted the Finance Minister to lay it on the Table, you can permit him also.

THE DEPUTY CHAIRMAN: He is half way through; let him finish.

SHRI RAJ MOHAN GANDHI (Uttar Pradesh): He can skip some paragraphs.

THE DEPUTY CHAIRMAN: You can raise your objection. You can raise your objection to everything you like.

SHRI V. GOPALSAMY (Pondicherry): Let him place it on the Table and you adjourn the House. We will read it and come back after lunch.

THE DEPUTY CHAIRMAN: Now the statement is being circulated.

SHRI DIPEN GHOSH: It can be taken as read and laid on the Table.

THE DEPUTY CHAIRMAN: Will you read the statement in one hour's lunch time? Otherwise, let the Minister read it out here.

SHRI DIPEN GHOSH: There are 15 paragraphs. What is the use of reading out the whole thing?

उपसभापति : अभी जो तय हो जायेगा उसके बाद कोई इन्टरप्शन नहीं होना चाहिए। (व्यवधान)

SHRI S. KRISHNA KUMAR : Madam, I Can read the statement if your instructions are for me to read and if your instructions are that I should not read, I will not read.

THE DEPUTY CHAIRMAN : The practice is to read it out. But if the House so wants, I have no objection. It is entirely up to the House. The statement is in your hands. The Minister is willing to read it. जो हाउस एपी करता है उसके बाद इन्टरप्शन नहीं होना चाहिए। मंत्री जो आप बोलिए। अब कोई आवाज नहीं करेगा। (व्यवधान)

SHRI S. KRISHNA KUMAR : Then I will continue. The investigating Judges at Geneva and Zurich accepted the Letters Rogatory. Thereafter, appeals were filed by certain parties in the Cantonal Courts at Zurich and Geneva. I shall now briefly describe the progress of cases in Courts in Switzerland and India and the request for assistance made to Sweden.

Zurich The Cantonal Court at Zurich Dismissed the Appeal filed before it. Consequently, authorised signatories/beneficiaries of M/s A.E. Services Ltd., one of the recipients of payments from M/s Bofors, preferred an Appeal before the Federal Court of Switzerland. This Appeal was also dismissed, on 13th November, 1990. Thereafter, on 13th December 1990, the CBI received copies of the documents relating to the bank account of A.E. Services Ltd. maintained at Nordfinanz Bank, Zurich. Consequent thereto, the CBI moved the Swiss authorities for further investigation to

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ascertain the particulars of the beneficiaries of this account.

Geneva Certain affected parties had filed appeals on 9th Apr. '90, before the Cantonal Court at Geneva, against the blocking of certain accounts in Geneva. These cases bear relation to Court cases filed in India, which I shall refer to later. The Court at Geneva admitted the appeal and gave the CBI sixty days to rectify the deficiencies in the Letters Rogatory and as a provisional measure, continued the freeze on the accounts. The revised Letters Rogatory was furnished by the CBI to the Swiss authorities on 30th Aug. '90, which was found to be in order by the trial judges on 19th Sept. 1990. Appeals were filed by certain affected parties against the said order. The Criminal Court of Appeal of the Canton of Geneva passed an order, on 23rd Jan. '91, suspending the examination of the Letters Rogatory till the Indian Judicial authorities pronounced their decision. Under the Swiss laws the foreign Government or its Advocate do not have the right of audience before the concerned Swiss Courts. However, the CBI has been pursuing the matter through the Swiss Federal Deptt. of Justice and Police, our Embassy in Berne and the CBI's counsel to expedite the pending appeals.

India In India, on 18th Aug. '90, one Shri H.S. Chaudhary filed a Criminal Miscellaneous Petition in the Delhi High Court, praying for quashing of the FIR in the Bofors case and the Letters Rogatory issued by Indian Courts. Certain political parties also impleaded themselves in the aforesaid case, in the High Court. On 19th Dec. '90, the Delhi High Court dismissed the petitions of Shri H.S. Chaudhary and other but took cognizance *suo motu* of the case and issued notice to the CBI and the Union of India to show cause why the FIR may not be quashed.

Against the aforesaid order, eight Criminal Appeals and one Writ Petition were filed in the Supreme Court by various political parties, Shri H.S. Chaudhary, and the CBI/Union of India. These were decided by the Supreme Court vide its order dated 27th Aug. '91. All the Criminal Appeals, except that of

the CBI, were dismissed on the ground that the Appellants did not have a *locus standi*. While allowing the Appeal of the CBI, the Supreme Court held that the FIR and the issue of Letters Rogatory "remain unaffected and they can be proceeded with in accordance with law".

Immediately on the pronouncement of the aforesaid decision by the Supreme Court, the Swiss authorities were informed of the same, on 30th Aug. '91, through our Embassy at Berne. Later, on 12th Sep. '91, certified copies of the Supreme Court Order were despatched by the CBI to our Embassy in Berne, for onward transmission to the Swiss authorities. Our Embassy communicated this Order, along with its translation in French, to the Swiss Federal Deptt. of Justice & Police, on 19th Sep. '91, who in turn, transmitted it, on 23rd Sep. '91, to the investigating Judge of Geneva, so that the Judicial process could be resumed.

Meanwhile, on 12th Sep. '91, Shri W.N. Chadha filed a Criminal Miscellaneous Petition in the Supreme Court of India, praying that the Supreme Court withhold its detailed judgement. This Petition was dismissed by the Supreme Court. However, Shri Chadha had also filed a Writ Petition in the Delhi High Court, on 9th Sep. '91, for quashing of the FIR and the proceedings and orders thereunder, including the Letters Rogatory, and for restraining the CBI from proceeding further with the investigation. This Writ Petition was admitted and is still pending decision. However, the Court has not stayed the investigation.

It is relevant to mention that while forwarding to our Ambassador in Berne a copy of the Supreme Court order of 27th Aug. '91, the CBI had brought out that after the aforesaid order of the Supreme Court, Shri W.N. Chadha had filed a fresh petition in the Delhi High praying for quashing of the FIR and stay of investigation. The CBI had also made it clear that since the Supreme Court had held that the FIR and the Letters Rogatory remain unaffected, any fresh petition by Shri W.N. Chadha should not, in any manner, influence the ongoing processes in the Geneva Cantonal Court. It had also been

emphasised that the Delhi High Court had not stayed the investigation. The CBI's Advocate in Geneva, Mr. Marce Bonnant, was informed accordingly and on 17th Sep. '91, a copy of Shri W.N. Chadha's petition in the High Court was sent to him, to keep him advised in the matter.

Sweden For the investigations in Sweden, Letters Rogatory was delivered to the Swedish authorities on 2nd Apr. '90, seeking their assistance. On 24th May '90, the Swedish authorities delivered to the CBI a complete copy of the report of the Swedish National Audit Bureau, with the request that the classified portion thereof should be kept secret. It was conveyed to the Swedish Government, on 26th May '90, that the Government of India intended to place the entire text of the aforesaid report before the Parliament. The Swedish Ambassador to India conveyed that the Swedish Government had taken a serious view of Government of India's position, as the classified portion of the report still remained secret under the Swedish Laws of Secrecy. The Swedish Government also emphasised that if the Government of India persisted in publicising the secret portion of the report, it would regard it as a serious breach of trust, which would undoubtedly affect the ability of Swedish Government to transmit other classified or sensitive documents to the Government of India, which had been asked for. The Government of India, accordingly decided to honour its commitment.

After examining the Letters Rogatory, the Swedish Government Communicated its decision, on 14th June '91, that it was not agreeable to reopening the preliminary investigations by Mr. Lars Ringberg, District Prosecutor, Stockholm. Subsequently, after discussion with our Advocate at Stockholm, an Appeal was filed, on 2nd Mar. '92, against the aforesaid decision of the District Prosecutor. The Swedish Prosecutor General rejected the Appeal on 10th Mar. '92, on the ground that no fresh facts had been brought forward to justify the reopening of the case.

As regards the apprehension that Government are thwarting the investigation and have given signals to

the Swiss authorities not to pursue the case, Government wish to emphatically deny all such allegations. In fact, when the first report appeared in an Indian newspaper on 23rd Mar. '92, suggesting that the Swiss authorities had been told to shelve the Bofors probe, the CBI addressed the Swiss Federal Department of Justice and Police, on 24th Mar. '92, and 26th Mar. '92, to:

- (i) reiterate their keen interest in the investigations and request the said Deptt. to vigorously pursue the matter with the Cantonal Court and other Swiss authorities;
- (ii) yet again clarify that : (a) through its order of 27th August, 1991 the Supreme Court of India had held that the FIR and the Letters Rogatory remain unaffected by Shri W.N. Chadha's petition and that Shri Chadha's pending petition before the High Court should not influence in any manner the ongoing investigation in the Geneva Cantonal Court; (b) even the High Court had not stayed the investigation; (c) despite the time that had elapsed and the political changes that had since taken place in India, the Government of India's request that the Swiss authorities provide speedy assistance in the investigation remains unchanged; (d) the Government of India persist in their request to the Swiss authorities for speedy assistance in the Bofors Case.

It would be seen that the CBI is continuing to vigorously pursue the case. The Hon'ble Members are aware of the statement made by the then External Affairs Minister on the 30th March, 1992 regarding a note he had handed over to his Swiss counterpart, during his visit to Switzerland in February this year. Shri Madhav Sinh Solanki has already tendered his personal explanation in the matter and expressed his regret to the House. This incident in Switzerland has no effect on Government's consistent position in the matter. Government remains firm in its intention that the law shall be allowed to take its course and

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the investigating agency shall proceed in accordance with law.

Madam, with your permission I would like to add a few more sentences in addition to the note, in anticipation of what the hon. Members are about to raise. A newspaper report has come to our notice this morning, the contents of which purport to be the copy of the impugned note handed over by the former External Affairs Minister to his Swiss counterpart.

I would like to inform the hon. Members that as has already been stated in statement, which is, more or less, a verbatim copy of the statement made by my senior colleague in the Lok Sabha yesterday, we have, on 24th and 26th of March 1992, already explained that the Supreme Court of India has held that the FIR and Letters Rogatory remain unaffected and can be proceeded with and further that the pendency of Shri W.N. Chadha's writ petition in the Delhi High Court should not have any influence on the ongoing investigation in Switzerland. We have now confirmation that these communications have been received by the Swiss authorities. It has been confirmed by the Department of Justice and Police in Switzerland that they have received the communication.

Also I would like to say that the hon. Prime Minister, in pursuance of the assurance in the other House yesterday, has implemented his assurance. A message has been sent confirming that the Government of India's policy is and will continue to be to seek effective investigation into the Bofors case. The Swiss Government, in that communication, have again been requested to render all possible assistance expeditiously in the matter. They have also been requested to ignore the note handed over by Shri Solanki in February 1992 to his Swiss counterpart.

Therefore, Madam, the Government position stands officially clarified before the Swiss Justice Department and, in turn, to the appropriate courts. Thus, the impugned note as well as what is published today has no bearing and will in no way affect or influence the conduct

of the investigation.

THE DEPUTY CHAIRMAN : We have to adjourn at 1-30. Mr. Jain, unless you want to speak now, I can adjourn now. If you want to speak, because your time is 22 minutes, you can speak, and then we can adjourn.

DR. JINENDRA KUMAR JAIN : I will start after lunch. As it was decided, I would like to start after lunch.

SHRI KAMAL MORARKA : Let us read the statement.

DR. JINENDRA KUMAR JAIN : Let me read the statement at least. (interruptions)

THE DEPUTY CHAIRMAN : Okay, the House is adjourned for one hour for lunch.

The House then adjourned for lunch at fifteen minutes past one of the clock.

The House reassembled after lunch at eighteen minutes past two of the clock, The Deputy Chairman in the Chair.

SHORT DURATION DISCUSSION ON THE PROGRESS OF INVESTIGATION INTO BOFORS GUN DEAL—*CONTD.*

उपसभापति: डा० जिनेन्द्र कुमार जैन।

मैं आपको बता दूँ कि आपकी पार्टी का टाइम 22 मिनट है। आप पूरे 22 मिनट ले लीजिए।

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश): 22 नहीं 40 है।

डा० जिनेन्द्र कुमार जैन: आपके चैम्बर में जो बात तय हुई थी, यू हैड प्रामिस्ट... (व्यवधान)।

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): जो मंत्री जो ने वक्तव्य दिया है इसके आखिरी पैरा में इन्होंने कहा है:

“श्री माधव सिंह सोलंकी ने पहले ही इस सम्बन्ध में अपनी ओर से व्यक्तिगत स्पष्टीकरण देते हुए सदन के समक्ष खेद प्रकट कर दिया था।”

जिस नोट की चर्चा है, इस बारे में न सरकार को जानकारी है न इस सदन को। जिस नोट की इसमें चर्चा की गयी है, टिप्पणी की इसके बारे में सरकार यह कहती है कि उसकी दूसरी प्रति हमारे पास नहीं है। जिस वक्त श्री माधव सिंह सोलंकी का वक्तव्य इस सदन में हुआ

था उस समय वे मंत्री भी थे। उसके बाद वे मंत्री नहीं रह गये। इस माननीय सदन के वे सदस्य भी हैं। यह कस्टमरी है कि जो मिनिस्टर इस्तीफा देता है वह अपना स्पष्टीकरण इस्तीफा देने के बाद भी दे सकता है। चूंकि श्री सोलंकी जी इस राज्य सभा के सदस्य हैं तो मैं जानना चाहता हूँ कि क्या कोई व्यवस्था चेयर की ओर से दी जा सकती है कि वे अपना स्पष्टीकरण इस संबंध में दें विशेषकर उस नोट के सम्बन्ध में।

उपसभापति: ऐसा है मालवीय जी, आपकी बात है कि वे, श्री सोलंकी जी इस हाउस के मेम्बर हैं। उनसे कह सकते हैं अगर वे देना चाहते हैं। यह उनके ऊपर है। कोई उनको मजबूर नहीं कर सकता है। अगर उनकी मर्जी हो और वे देना चाहें तो दे सकते हैं। उनको चेयर भी नहीं कह सकती है कि आप दीजिए। ऐसा कोई तरीका नहीं है।

श्री सत्य प्रकाश मालवीय: उनकी ओर से इस तरह का कोई निवेदन आया है या नहीं।

उपसभापति: मेरी जानकारी में तो नहीं आया।

SHRI S. JAIPAL REDDY: Madam, In the background of all this, his absence in the House or his silence in the House will be very ominous.

THE DEPUTY CHAIRMAN: When somebody is not present, automatically he would be silent.

श्री जगदीश प्रसाद माधुर: यह वक्तव्य अधूरा है, जब तक कि उस नोट की प्रति इसके साथ न हो। वही विवाद का विषय है। उस नोट की प्रति इस वक्तव्य के साथ होनी चाहिए थी।

दूसरे, आज समाचार-पत्र में वह छप चुका है। उसका कोई न कोई उल्लेख इस स्टेटमेंट में होना चाहिए था।

यह वक्तव्य अधूरा है। मैं मंत्री महोदय से कहूंगा कि वह अपने वक्तव्य में उसका भी कुछ जिक्र करें।

उपसभापति: माधुर साहब, मैं आपको इतलाह के लिए अर्ज करूँ... (व्यवधान)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): Madam, this statement only enables us to have discussion which is slated here. Naturally all things are not there in a statement.

THE DEPUTY CHAIRMAN: Even otherwise he read this note. The Minister

of State for Defence did read another paragraph which has appeared in the newspapers. But it is not included in the cyclostyled sheets which were given to us.

आपने जो यह व्यवस्था का प्रश्न उठाया, वह मैंने कह दिया, जवाब दे दिया। अब कुछ और अव्यवस्था है।

श्री यशवन्त सिन्हा: वह यह है कि सरकार की तरफ से यहां पर गृह मंत्री, जो सदन के नेता भी हैं और अन्य मंत्री भी उपस्थित हैं। लेकिन रक्षा मंत्रालय से जिस मंत्री ने वक्तव्य दिया था, वह उपस्थित नहीं है।... (व्यवधान)

उपसभापति: रक्षा राज्य मंत्री जी को उपस्थित किया जाए।

श्री यशवन्त सिन्हा: और जो मंत्री, सी०बी०आई० की इन्वार्ज हैं, श्रीमती मारग्रेट आल्वा, वह भी मौजूद नहीं हैं। तो क्या इस सदन की यही गरिमा बची है कि सरकार उसको इतना कैजुअली ले।

SHRI M.M. JACOB: Till he comes, I will be noting down the points for him.

श्री यशवन्त सिन्हा: जी हां, आ गये, तो वह 5-7 मिनट देर से आए।

श्री सत्य प्रकाश मालवीय: मारग्रेट आल्वा क्यों नहीं हैं।

उपसभापति: मारग्रेट आल्वा जी को भी बुलावा लीजिए।

SHRI M.M. JACOB: The Minister of State for Defence is here. Shrimati Margaret Alva will be coming.

उपसभापति: पार्लियामेन्ट्री मिनिस्टर साहब, जरा उसकी भी व्यवस्था आप कर लीजिए। बस। हम इसलिए कह रहे हैं कि जो कुछ भी व्यवस्थाएँ हैं, वह पूरी हो जायें ताकि जैन साहब जब बोलें, तो बीच में उनको कोई इंटरप्शन नहीं करे। Let every interruption be over before I ask him to speak.

SHRI DIPEN GHOSH: Then, it will not be called as interruptions.

THE DEPUTY CHAIRMAN: I don't want any Member to be disturbed while he is speaking... (Interruptions)... Because tomorrow is the last date... (Interruptions)...

उपसभापति: जैन साहब, बोलिये।

डा० जिनेंद्र कुमार जैन: पहले थोड़ी सी व्यवस्था की बात कर लें।

उपसभापति: अब आपकी भी व्यवस्था हो गई।

डॉ० जिनेंद्र कुमार जैन: आपने जो मेरा कलिंग अटेशन मोशन था, यदि वह वैसे ही रहता, तो मुझे 45 मिनट मिल जाते।

उपसभापति: 45 मिनट नहीं मिलते। कलिंग अटेशन में 20-25 मिनट मिलते हैं। मैं यह बात गुलाम नबी आजाद साहब से, जो पार्टियामेटी मिनिस्टर हैं, उनसे की—हमने जो बिजनेस एडवाइज़री कमेटी में जो इस पर डिस्कशन का निर्णय हुआ था—shall I speak in English or Hindi? The discussion which took place in the Business Advisory Committee was that there would be one day discussion on the Bofors issue. One day in our term is four hours. Mr. Ghulam Nabi Azad and I discussed it. We thought that we will give five hours. So you are getting one hour extra. That is why you are getting 22 minutes; otherwise you would have got 18 minutes...*(Interruptions)*...Let the things go very seriously. I would be so obliged.

PROF. SAURIN BHATTACHARYA:
If it is six we can push it to eight.

THE DEPUTY CHAIRMAN: I will be happy if you can push it to 20 hours. But will everybody be sitting here?

DR. JINENDRA KUMAR JAIN:
Madam Deputy Chairman, the unstoppable Tiger of Bofors has surfaced again. It is an old story. I will not make the beginning from the very beginning. I will come to the current day issue, that is, the immediate development in the investigations of this Bofors bribery case. We all know that Shri Madhavsinh Solanki, a Member of this House, a friend of ours and who was the External Affairs Minister, when he visited Davos...Switzerland in the capacity of the External Affairs Minister, meets someone whom he calls a lawyer. He says he does not know who this lawyer is. He is not willing to say who introduced this nameless lawyer to him. But he agrees to do whatever the lawyer wants him to do. That is, he takes the note from him and

considers this lawyer to be an Indian. How does he know that he is an Indian or a Pakistani or a Bangladeshi? We all look the same. And he thinks that the note provided by him was good enough to be handed over to his counterpart in the Government of Switzerland. He says that these are the facts. The Government wants Parliament, this House of Elders, to trust that whatever has been said is the truth, the whole truth and the total truth. It is difficult to swallow this version of the Government. If the Government did not know earlier, newspapers have been coming up with some suggestions. A section of the Press has mentioned the name of this lawyer as Zaiwalla. Somebody calls him Bomi Zaiwalla and somebody else calls him Sarosh Zaiwalla. Is it a difficult question, Madam, whether or not this man is "the" lawyer. If it is necessary, a photograph of Mr. Zaiwalla could be shown to Mr. Solanki because, after all, the Government must prove its sincerity, must prove that it is interested in revealing the truth. A section of the Press has mentioned the name of some Mr. Amar Singh. Who is this Mr. Amar Singh? He is a member of the Congress party. He is very close to a Cabinet Minister. This Cabinet Minister got Mr. Amar Singh elected to the PCC of Madhya Pradesh from Bhind. The members of the Congress Parliamentary Board are aware that one Cabinet Minister, Mr. Madhavrao Scindia, was trying his best to get this Mr. Amar Singh a ticket for the Lok Sabha in the last elections because his name is in the files. So, the names that are being mentioned by the Press, either Mr. Zaiwalla's name or Mr. Amar Singh's name, are not the names of strangers. The person concerned is very much here in this city. He is a Member of this House. So what if he is not a member of the Cabinet or a Minister any more? The Government owes to this House and to this nation the

truth. It should make the minimum possible efforts to take the photographs of the persons whose names have been mentioned in the Press, take them and show them to Mr. Solanki and get back to us with an answer whether these reports are correct or not.

A point is being made that Mr. Solanki has already resigned, as if he has already paid the price. I have a very high regard for Mr. Solanki. I have nothing personal against him. The objections that I am trying to raise are not personal, they are institutional. They are matters of principle. They are related to the principles of governance. They are as to what a Minister of the present Government has done. And the Minister of the present Government has done several great irregularities and I would like to mention them here one by one... because it should not be mistaken that we were gunning for Mr. Solanki. Our duty is to ask the Government about the conduct of a Minister and the Minister has committed several improprieties. One impropriety that he has committed is that he has interfered with the course of justice. Madam, you know, a letter-rogatory had been sent by the Indian courts to the courts in Switzerland. What does it mean? It means that there is a prosecution case and this bribery or corruption is alleged to have been committed in Indian territory, but the evidence is in the territory of Switzerland. So, here is a method, through which the Indian court is seeking the help of the court of Switzerland to arrive at the truth. The course of justice was on, but what this Minister of the Government has done? He tried to interfere with the course of justice by trying to influence the prosecution case and by trying to favour the case of the account-holders and the case of the accused, whosoever they are, whether they are Hinduja's, Win Chadhas or Bachchans, the may be anyone, but they are accused.

The Indian courts want to seek the help of courts in Switzerland to know about their identity and to know about the extent of money etc. etc. and this

letter-rogatory was aiming at that. The Minister interfered with the course of justice and committed a contempt of court. The Government owes an explanation to this House. They must proceed against the then Minister for having committed a contempt of court.

The second impropriety that the Minister has committed was the abuse of his public position in the abetment of a crime. The implication of this note that he gave was that there is money in the Swiss accounts and as per an earlier order, these accounts have been frozen. There was warning by the Swiss Government and some officials there that they will defreeze the accounts. We want these accounts to remain frozen till the truth is revealed and the account-holders and the accused want their accounts to be defrozen. Had this move succeeded, it would have resulted into a pecuniary advantage to the criminals and the abetment of the crime would have been done by a Minister of the Government. We have Anti-Corruption Act and this kind of abetment of crime is punishable under that because the criminal would have got a pecuniary benefit on account of this action of Government officials. The present Minister, who is defending the case, should tell us as to what action they will take against the then Minister and now a Member of this House, for having abetted the crime. Then, he has also committed a contempt of this House. Madam, we all know that a few days back, he came to the House and said that he has nothing to do with the Bofors investigation. His Ministry does not deal with Bofors investigation. Is it not true that all the letters-rogatory that have gone to Switzerland and Sweden, have gone through the Ministry of External Affairs? So, even in informing the House he made a wrong statement. This is the real crux of the question that we need to know. This kind of action that we have punished him or Mr. Solanki has punished himself is an effort to cover up the truth. Why is Mr. Solanki silent? Why is he not coming to this House? Why is he not talking to the press? He is a Gujarati, a wise man, an experienced politician, an ex-Chief Minister, a

[Dr. Jinendra Kumar Jain]

Cabinet Minister, and what not. How can he be expected to do a thing like this? People are telling us that he did an act of foolishness. I don't agree with this. Sometimes wise men, when they find whether they should call their act a fraudulent act or a foolish act, very wisely pose to be foolish rather than seem to be committing a fraudulent act. I see a lot of fraudulent practices on this aspect of this Minister who did this kind of an impropriety. Will the truth be more damaging? Why is he not willing to let the truth be known? Why did he act on behalf of the accused? Why did he act on behalf of the account holders? There is another dimension to this. I am afraid that this ex-Member of the Government, a Cabinet Minister, has been blackmailed to do this and if that is the situation it would cause great worry to everybody. If there are powers who can commit crimes and blackmail Cabinet Ministers, tomorrow they may try to blackmail even the parliamentarians and choke the voice of truth everywhere. It is a very serious thing. So, it is necessary that the truth must come out and the so-called projection that Mr. Solanki was mad to have done it should not be believed because I find a method in this madness. I don't find a madness. I see a method and the method is obstructionist attitude, positive non-action to close the issue, CBI doing nothing substantial and the account holders, the accused and the Government machinery working in close collaboration with each other.

Madam, I am aware that I am making a serious charge that the Government machinery, law enforcing agencies and the accused in this case have been working in collaboration. Let me substantiate my charge. We have an agency, the law enforcement agency, our legal instrument. The principal law officer of our country is the Attorney General. I would like to know, Madam, from the Government whether our present Attorney General is a retained counsel of the accused or not.

SHRI SUBRAMANIAN SWAMY: No, Madam. The office of the Attorney General is a constitutional office. Mr. Jain has just made a charge that he is a

retained counsel. That means he continues to be a retainer. This is something which cannot be made without first having convinced you in the Chamber that this is a charge worth making. He says the present Attorney General is a retainer of the accused. Are you a retainer? Can anybody make this kind of an accusation on a constitutional authority?

DR. JINENDRA KUMAR JAIN: Madam, if Mr. Swamy had allowed me to complete my sentence he would not have any reason to get up.

THE DEPUTY CHAIRMAN: Let him finish the sentence. We will find out what he is saying.

DR. JINENDRA KUMAR JAIN: I am completing. Don't kindly interrupt me. My question to the Government is, and it is a matter of record, whether the present Attorney General has been....

SHRI SUBRAMANIAN SWAMY: Now, you are saying "has been". First you said "is".

DR. JINENDRA KUMAR JAIN....a retained counsel of the accused.

He has earlier defended some of the accused. He is the Principal Law Officer of the present Government of India who has such a close association with the accused. I name one more officer of high position, Mr. K.T.S. Tulsi. He is the Additional Solicitor General of India. I would like to know from the ministerial benches whether it is true or not that on 6th December, 1990 this Additional Solicitor General made a statement in a Delhi Court that the FIR discloses no offence. Having made this statement on behalf of the Government of India, the present Government continued the same Additional Solicitor General to be in charge of our Law Enforcement. There is another Additional Solicitor General, Mr. Altaf Ahmed, who is in charge of the Bofors case. I would like to know from the hon. Minister who is in charge of the CBI whether it is true or not that the CBI officials have written several times to Mr. Altaf Ahmed to draft a petition for

the consideration of the Supreme Court. Madam, let me explain this point. The hon. High Court of Delhi had taken a decision against the trial and the matter was taken to the Supreme Court. The Supreme Court had upheld the validity of the FIR. Now, there is a case pending in the High Court filed by Mr. Win Chadha. The High Court has not stayed the proceedings. Madam, this case is being used in several ways. Some officials of the CBI have made a request to the Additional Solicitor General, Mr. Altaf Ahmed, who is incharge of the case, that he should draft a petition that as the earlier case of the High Court was dismissed by the Supreme Court, similarly this case deserves to be dismissed by the Supreme Court. But see the sincerity of the Government of India. They have appointed an Additional Solicitor General who does not have time for the last eight months to prepare a petition which can be put up to the Supreme Court. What has he done to get expeditious disposal of the case? Madam, two officers in the CBI, Mr. K. Madhavan and Mr. M.D.Sharma have been replaced. There are reports that they have been replaced by somebody who has -- it is said -- relations with the members of somebody's family. I don't know whether it is true or not. But my concern is that when the Government conducts its business, it should not only be above board, it should appear to be above board. In making the transfers of Mr. K. Madhavan and Mr. M.D.Sharma and getting Mr. R.C.Sharma and other people, the Government has done enough to let there be an appearance of smoke. I don't know how much is the fire. I want to make a specific charge here. The specific charge is that the Defence Minister in his statement mentioned the name of Mr. Marc Bonnant. According to the statement he is our advocate in Geneva. According to the Minister, he has been informed about Mr. Chadha's petition in the High Court. But, Madam, I know it from facts, and I am willing to take full responsibility for this statement that this advocate Mr. Marc Bonnant was not informed about it. He had spoken to journalists saying that it was not clear as to what his client wanted? Does the CBI

want him to pursue the case or it wants to close it or it wants him to go slow? He said he had sent as many as 13 communications to the CBI to seek clarifications as to what it wanted him to do. But none of these clarifications were made available to him. When you have an advocate, he wants to know what you want him to do. Why should the CBI fail to communicate to him and only let him know when Mr. Win Chadha files a petition? Why should the Government sent the petition without any comment as if this is their own? Will the Government give an answer, why they tried to remain silent? Or, will they speak when the press publishes this report? Madam, the real issue is that the Cantonal Court in Switzerland was to take up the hearing of the case in October 1991.

I would like to know what the CBI has done to know why the hearing was postponed. What has the CBI been doing throughout this period? Why has the CBI failed to get to know of the mischief played by the accused and the account holders so that they were able to pass on the note through out Minister to corrupt the Swiss system? It appears that the machinery of the accused and the account holders is much more informed and is more influential than our Minister and also the CBI. Is it that they are more influential or was it a deliberate act or just incompetence? Whatever is the reason, I would like to know about it. Mrs. Margaret Alva, the famous Minister and a Member of this House made a statement in the press that the transfer of the CBI officers was on account of promotion and on their own request. I make a responsible statement here that this statement of the hon. Minister is not true. I would like her to convince us that the officers were transferred only on their request and on promotion. There was no promotion and there was no request. I would also like to bring to the notice of the Government an article written by an eminent journalist, Mr. C.R. Irani on 25th or 26th March, 1992...

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Mr. Jain, will you yield for a minute?... I want to seek a clarification from him....

DR. JINENDRA KUMAR JAIN: I do not want to yield...

SHRIMATI JAYANTHI NATARAJAN: I have a point of order, Madam. Dr. Jain said that the statement made by Mrs. Margaret Alva in the other House and which appeared in the press about the transfer of the officers having been done on promotion and on their request was not true. He also said that he was making a very responsible statement. Madam, I would like to know, if Mrs. Alva is able to convince the House that what she said was true, what is the responsibility that Dr. Jain would take? How is he going to make amends?...

SHRI KAMAL MORARKA: He stands corrected...

THE DEPUTY CHAIRMAN: It is not a point of order. She wants to know from Dr. Jain what responsibility he would take...

SHRIMATI JAYANTHI NATARAJAN: Madam, I am afraid that it is not something to laugh at. Mr. Kamal Morarka might think that it is very funny. It is a serious allegation made against a Minister and we take it seriously... (Interruptions) Is he willing to hold the responsibility? He had enough of allegations thrown around the House.

DR. JINENDRA KUMAR JAIN: May I continue with my speech?... (Interruptions)

SHRIMATI JAYANTHI NATARAJAN: Let us see what responsibility finally people are going to take for these allegations. If he has made a mistake, will he resign and go?... (Interruptions)

THE DEPUTY CHAIRMAN: Order. I will ask him to reply... (Interruptions)

SHRI V. NARAYANASAMY: He said that he was making a responsible statement in the House.

THE DEPUTY CHAIRMAN: Yes, I will find out... (Interruptions)

SHRIMATI JAYANTHI NATARAJAN: Will he resign?

DR. JINENDRA KUMAR JAIN: I wish to draw your attention to a Press report on an article written by Mr. C.R. Irani... (Interruptions)

डा० रत्नाकर पाण्डेय : रिसिबिलिटी से बोलिए इस हाउस में... (व्यवधान)

असम्पापति : पाण्डेय जी, आप बैठ जाइए। वह जयंती जी का जवाब दे रहे हैं... (व्यवधान)

DR. JINENDRA KUMAR JAIN: The article appeared in the *Statesman* on 25th and 26th March and the article provides a very important information. It says that one Mr. Piere Schmid, the Federal Police Chief of Switzerland, who is in charge of this investigation had said to Mr. Irani... (Interruptions)

SHRIMATI JAYANTHI NATARAJAN: Is that the answer?

THE DEPUTY CHAIRMAN: Are you answering her?

DR. JINENDRA KUMAR JAIN: I am not obliged to answer every-body.

SHRI KAMAL MORARKA: I am on a point of procedure. A Member is speaking... (Interruptions)

SHRIMATI JAYANTHI NATARAJAN: Let him take back that statement.

SHRI KAMAL MORARKA: Why should he do that?

SHRIMATI JAYANTHI NATARAJAN: You can't keep on casting allegations against the Ministers like this. What is this nonsense?... (Interruptions) I am not talking to you, Mr. Kamal Morarka.... (Interruptions)

THE DEPUTY CHAIRMAN: The Minister is going to defend herself. (Interruptions) 'They were small' is not the point.

The Minister wants to defend herself... (Interruptions)

SHRI KAMAL MORARKA: Such debates are bound to create a little heat because the subject is very sensitive... (Interruptions)

SHRIMATI JAYANTHI NATARAJAN: Nobody is casting allegations against him...*(Interruptions)* Allegations are made against a Minister...*(Interruptions)*

श्रीमती सुषमा स्वराज (हरियाणा): मंत्री जी को जवाब देना होगा दे देंगे...*(व्यवधान)*

SHRI KAMAL MORARKA: Let us not deflect from the main debate. All that Dr. Jain said, what I could understand, was that he was saying with a sense of responsibility that those officers were not transferred on their own request or on promotion. The Minister will reply. Mrs. Alva is competent to reply.

SHRI S.S. AHLUWALIA (Bihar): Does Dr. Jain need a spokesman like you?...*(Interruptions)*

SHRI KAMAL MORARKA: That is not the issue...*(Interruptions)*

SHRI DIPEN GHOSH: Is it a Pavlovian reaction between Mrs. Jayanthi Natarajan and Mr. Kamal Morarka?...*(Interruptions)*

SHRIMATI JAYANTHI NATARAJAN: It is being oversimplified. What Dr. Jain said was that the Minister had made a wrong statement. He is accusing the Minister.

THE DEPUTY CHAIRMAN: Mrs. Natarajan, she will answer.

She has got a right to answer for herself...*(Interruptions)*

SHRIMATI JAYANTHI NATARAJAN: I am sorry, Madam. She has a right to answer. But I have a right to say that the Ministers have to be respected...*(Interruptions)* I am a Member of the ruling party which is in Government. If irresponsible, false allegations are made against our Minister, I have a right to protest and I will. Let him clear this.

DR. JINENDRA KUMAR JAIN: I am neither using rhetoric nor any emotive issue. I am just stating the facts. I am giving my own version. I am mentioning the information provided to this nation through this article by Mr. Irani, which is an information from Mr. Piere Schmid.

श्रीमती सुषमा स्वराज: ओर बोलने दो उनको वह खुद जवाब दे देंगी...*(व्यवधान)*

SHRI VIREN J. SHAH (Maharashtra): Madam, are you going to allow this debate to continue or allow one hon. Member to continue to interrupt? The hon. Minister is here. She can answer...*(Interruptions)*

SHRI SIKANDER BAKHT (Madhya Pradesh): Don't waste the time of the House...*(Interruptions)*

SHRIMATI JAYANTHI NATARAJAN: He is making irresponsible charges against the Minister...*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SMT. MARGARET ALVA): Madam, if you will yield for a minute, I have with me the letter written by Mr. Sharma dated 11th September, 1991 and if I have made a statement, it is on the basis of his letter, a copy of which is in my possession. I will only read the last paragraph. You can see it later, Dr. Jain, if you would like to.

"I shall, therefore, be grateful if the Government of Madhya Pradesh is requested to issue orders of reversion back" because he was due for his promotion...

SHRI VIREN J. SHAH: He might have given other reasons also elsewhere.

SHRIMATI MARGARET ALVA: The reasons are here. Do you want me to read all the reasons? *(Interruptions)*

THE DEPUTY CHAIRMAN: No, no. Mrs. Alva has cleared herself well. Now that matter is over. Mr. Jain, please go ahead.

THE MINISTER OF HOME AFFAIRS AND LEADER OF THE HOUSE (SHRI S.B. CHAVAN): So it is clear that it was not an irresponsible statement that she has made.

(Interruptions)

SHRIMATI MARGARET ALVA: They are saying thing without knowing anything. I will explain if you allow me. But this is not a Question Hour. *(Interruptions)* Some Members in the

[Shrimati Margaret Alva]

Opposition have a special liking for or interest in certain officers. I cannot say that they must be there to please them.

DR. JINENDRA KUMAR JAIN: Mr. Pierre Schmid has said that ... *(Interruptions)* ... he has been receiving telephonic calls from several people from India and these telephone callers have been recorded by him. And they have been telling him, "We people don't want this case to be pursued." Now I want to know: Is it very difficult for the Treasury Benches to contact the Federal Police Chief of Switzerland and to know from him who all telephoned him—because, he says he has a record of those people who were telephoning him—and give the names to this House and the people of India, to say that these were the gentlemen and these were the ladies who were telling the Federal Police Chief of Switzerland that they would not like to pursue this case? Now, I have a real problem. Whom to ask? The Prime Minister is finding it difficult to defend his people for what has been done in the last few days. Yesterday the Defence Minister... *(Interruptions)* ... Madam, just before the honourable Minister finished reading the statement he informed the House that Mr. Chidambaram and Mrs. Alva would answer the debate. I would like to ask for a few clarifications from Mr. Chidambaram.

SHRI JAGESH DESAI (Maharashtra): This is not correct. He does not know the procedure.

THE DEPUTY CHAIRMAN: Let me correct; let me put the record straight. Mr. Jain, let me announce it in the House again. Mr. Jain, perhaps you were not informed by the leader who attended the meeting in the chamber of the Chairman. It was to be a calling-attention and in a calling-attention it was not necessary that any other person should come and answer. As the Defence Minister was going, the Raksha Rajya Mantri would have handled it. But there was a demand that the PM should come, so and so person should come. So I asked the Members and all the Members who were there in the meeting themselves

agreed to convert it into a short-duration discussion so that other people could answer. It was an agreed thing. It was not from the Government. I was responsible for it. It was not the Government who said it.

DR. JINENDRA KUMAR JAIN: I am only saying what the issue is...

THE DEPUTY CHAIRMAN: It was not the Government which wanted it to be a calling-attention. If it was a calling-attention, it would have been handled by the Raksha Rajya Mantri in the absence of the Raksha Mantri. Yesterday there was some demand in this House—that there had been a demand in this House before—that the Prime Minister should come. There was a meeting which was attended by Mr. Jacob and all the Members belonging to the various political parties agreed that it should be converted into a short-duration-discussion because in a calling-attention I cannot ask the Prime Minister to come because it does not belong to his Ministry. That is why, to oblige the Members, to permit the Members to put their queries, this has been converted. We are helping the Members. We have requested the Government. So let us put the record straight.

DR. JINENDRA KUMAR JAIN: Please trust my statement. I am not trying to be personal. I said in the beginning that my questions were related to the principles of the Government and their institutions.

3.00 P.M. And, Madam, the question is that yesterday only, the honourable Prime Minister made a statement in the Lok Sabha and said that this Government was committed to pursuing the case and getting at the truth about the Bofors. My point is, that being an Opposition Member, I am only questioning that since I feel that there is no sincerity, I do not find any sincerity, in this claim of the Government that they are trying to get at the truth. Now, one of the champions that was there yesterday—and I have been told that he will intervene today also—is Mr. Chidambaram. Now, I just thought

that it would be appropriate if I would ask Mr. Chidambaram when he replies to the question whether... *(Interruptions)*...

SHRI JAGESH DESAI: What is going on, Madam? ...*(Interruptions)* ... Why is he referring to what is going on in the Lok Sabha? ... *(Interruptions)* ...

SHRI V. NARAYANASAMY: Madam, how can we tolerate all these things in this House?... *(Interruptions)*: he is breaking the convention of this House ...*(Interruptions)* ... Kindly save this House from Dr. Jain, Madam ... *(Interruptions)* ...

THE DEPUTY CHAIRMAN: What do you say, Dr. Jain?

DR. JINENDRA KUMAR JAIN: Madam, if you allow me, I will proceed. Having been allowed to speak, a person should be allowed to speak here ...*(Interruptions)* ... The point that I am making is that I would like the Minister to tell us one thing. In February, 1990, the law was amended, the law of this country, to the effect that the CBI could directly issue letters rogatory. Now, let me explain the relevance of this ...*(Interruptions)* ...

SHRI MADAN BHATIA (Nominated): Madam, even here he is making a wrong statement ... *(Interruptions)* ... The law was not amended to give powers to the investigating agency to issue a letter rogatory. On the contrary, this House rejected that portion of the Bill and the Lok Sabha accepted the amendment which was made by the Rajya Sabha. He does not know that ...*(Interruptions)*...

SHRI VIREN J. SHAH: Madam, how can he continue if at every sentence they interrupt? ...*(Interruptions)*...

SHRI MADAN BHATIA: Madam, please protect us from this colossal ignorance ...*(Interruptions)*... He just does not know ...*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: I would like to say that because of the different statements of the leaders of the Government at different fora at different times, on which I rely to corroborate my point, I doubt the sincerity of the Government leaders so far as their claim is concerned to arrive at the truth. I am

just corroborating my point by putting the evidence together and with that evidence what I am trying to point out is that Mr. Chidambaram ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Please conclude now. Your allotted time is over.

DR. JINENDRA KUMAR JAIN: Madam, you agreed that you would give me more time ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I did not agree to any such thing.

SHRI SIKANDER BAKHT: You did not agree. But you can give him some more time because his time was wasted by interruptions.

THE DEPUTY CHAIRMAN: All right. I agree now. I abide by it.

DR. JINENDRA KUMAR JAIN: Madam, Mr., Chidambaram is reported to have said that without undergoing the course of justice, the CBI or the other investigating agencies of the Government could not directly go and question the accused. He wrote an article in "The Hindustan Times" to that effect. I just want to say that these are his views.

The second thing is that after the preliminary report that was registered in October 1989, the CBI had sent a letter to Switzerland asking for three things: tax evasion, corruption and bribery. Madam, I need to explain this point. Under the laws of Switzerland, on the question of tax evasion, they will not take cognizance of this crime. But, if it is a question of corruption or bribery, they would take cognizance of this. This was done in October 1989. I do not know whether it is true or not—because the Governments have changed and others also have changed in the meantime since this was filed—that the earlier letter was withdrawn and another letter was sent which said, "We just want to know the cases of tax evasion." because that would change the entire colour of the thing. What the Swiss Government wanted was not the technicalities nor a preliminary FIR, but they wanted an FIR and that FIR was not registered until the Government changed here ...*(Interruptions)*...

SHRIMATI JAYANTHI NATARAJAN: Madam, all these are wrong ...*(Interruptions)*...

SHRIMATI MARGARET ALVA: All these are wrong ...*(Interruptions)*...

SHRIMATI JAYANTHI NATARAJAN: Madam, why I should listen to all these things? ...*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: Madam, I would like to make a reference to what Mr. Chidambaram wrote in his tribute on 26th May, 1991, to Late Shri Rajiv Gandhi. ...*(Interruptions)*...

SHRI VISHVJIT P. SINGH (Maharashtra): Madam, is this his party's position on the Bofors case? ...*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: Madam, he wrote on the 26th of May, 1991, and he took the position that the Bofors issue should be closed, and that it is not the intention of the Opposition that the Bofors investigation be carried to its end ...*(Interruptions)*.... My contention, Madam, is about the issue of the Bofors. Now, what is the issue? The issue is that the money of this poor country has been taken away and stashed away in foreign banks and what we want to happen is that this money should be brought back to this country and this money is to be utilised for the country ...*(Interruptions)*...

डा० रत्नाकर पाण्डेय: इन्होंने खरागी को अपने यहाँ भोजन पर बुलाया था, इसलिए स्पष्ट नहीं बोल पा रहे हैं। दुनिया के सबसे बड़े अस्त्र-शस्त्र के व्यवसायी को उन्होंने अपने यहाँ भोजन पर बुलाया था। किसी ने इनको लिख कर दे दिया, इसलिए ठीक से न तो पढ़ पा रहे हैं और न ही बोल पा रहे हैं। अभी इनका इंटरन क्लीयर नहीं हुआ है और समझ में नहीं आया कि ये कहना क्या चाहते हैं। इन्होंने सदन का आर्घ्य चढ़े का समय खराब कर दिया ...*(व्यवधान)*...

DR. JINENDRA KUMAR JAIN: Madam, please restrain them ...*(Interruptions)*... Madam, let me say a few points on "the note." Yesterday, the Prime Minister failed to produce his note and, today, a newspaper has published the note.. It is a reversal of the role ...*(Interruptions)*...

उपसभापति: जैन साहब, आपके पास और भी कागज लिखे हुए हो सकते हैं। लेकिन अब आप अपना भाषण समाप्त कर दीजिये।

DR. JINENDRA KUMAR JAIN: I am reading from my notes, Madam.

THE DEPUTY CHAIRMAN: You might have prepared your notes for five hours. But I cannot permit ...*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: Not five hours. You just give me five minutes more.

THE DEPUTY CHAIRMAN: All right. Just five minutes only

DR. JINENDRA KUMAR JAIN: Five minutes without any Interruptions!

THE DEPUTY CHAIRMAN: That I cannot assure ...*(Interruptions)*...

DR. JINENDRA KUMAR JAIN: Madam, there has been a reversal of roles. Earlier, information used to be provided by the Government in the Houses of Parliament and it used to be reported in the Press. Now, there is a reversal of roles. The truth is revealed in the Press first and then we discuss what is written in the morning newspapers here. It is a reversal of roles. The Press has overtaken us, has taken over the privileges of Parliament. Why has this happened? It is because the Government has been shy of telling the truth, of giving information to the Parliamentarians. Not that I am against the Press for revealing the truth. Somebody must do this, if I fail in my duty. At least, I can compliment my colleagues in the Press because they are not failing in their profession and they are fighting the battle for knowing the truth and this is the universal battle: "Satyameva Jayate".

Madam, I would like to say something about this note. This note is a badly written note, it is repetitive in nature, and it has a lot of inaccuracies ...*(Interruptions)*...It denigrates us further. But there is no doubt about one thing that this note is...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Your five minutes time is over now.

DR. JINENDRA KUMAR JAIN: This note is the version of the account

holders ...*(Interruptions)*... I would like to know who has authored this note. Who has got it written? Whose interest does this note serve? The note handed over by the Foreign Minister to his Swiss counterpart does not support the Prime Minister's claim that his Cabinet is committed to getting at the truth and the view it states is the account holders' view ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: The next speaker is Mr. Jaipal Reddy. Mr. Reddy, get ready now.

DR. JINENDRA KUMAR JAIN: You said, Madam, that you would give five minutes.

THE DEPUTY CHAIRMAN: Your five minutes were over a long time back.

SHRI JAGDISH PRASAD MATHUR: Let him complete the sentence at least, Madam.

THE DEPUTY CHAIRMAN: Agreed.

DR. JINENDRA KUMAR JAIN: Madam, what I want to make clear here is that we are not pursuing anything against any individual, much less a respected leader who is no more. Let our friends from the Treasury Benches not get over-sensitised. Let them not suffer from a guilt complex. We all collectively should fight to know the truth and to get the money of this country back to the country.

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, please.

DR. JINENDRA KUMAR JAIN: In this objective, that is, to safeguard our national interest, to get our money back, and to get to the truth, we all, the entire House needs to act together. But how has the Government been behaving? It is as if they have something to hide and as if they want to conceal more than what has been revealed.

THE DEPUTY CHAIRMAN: Shri Jaipal Reddy.

DR. JINENDRA KUMAR JAIN: And it raises a very fundamental question of चोर की दाढ़ी में तिनका। The very fact that they all keep on indulging in the exercise to conceal leads us to believe that they have something to hide. After all,

Madam, if it was a question of protecting some Hinduja's or some Win Chadhas, the entire might of the Government of India would not have gone on to their side. The problem seems to be that more people than the people on the surface seem to be involved. And that is a question of the morality of a Government.

THE DEPUTY CHAIRMAN: Shri Jaipal Reddy.

DR. JINENDRA KUMAR JAIN: That is a question of impropriety, that is a question of illegalities committed by the Government. And it is our duty as Opposition to ask the Government to help the process of revelation of the truth.

Thank you, Madam.

SHRI VISHVJIT P. SINGH: May I compliment the Opposition for fielding such a wonderful speaker?

THE DEPUTY CHAIRMAN: Shri Jaipal Reddy. Your Party's time is 32 minutes.

SHRI JAGDISH PRASAD MATHUR: Maybe he is not a good orator like Pandeyji. But, of course, he has revealed certain facts... *(Interruptions)*

डा० रत्नाकर पाण्डेय: न अपिनय कर सके और न बोल सके। ...*(व्यवधान)*...

THE DEPUTY CHAIRMAN: Mathurji, let us not lose the seriousness of the debate. Let Mr. Jaipal Reddy speak.

SHRI S. JAIPAL REDDY: Madam, I wish I could speak after one of the Congress Members spoke. Since you have called upon me to speak, I have no option...

THE DEPUTY CHAIRMAN: Actually, I have asked them. They have only three speakers. So, they want to spread it out.

SHRI VIREN J. SHAH: What about Mrs. Margaret Alva?

THE DEPUTY CHAIRMAN: She will be speaking. Her name is there.

SHRI S. JAIPAL REDDY: Madam, according to a recent UNI report, a

[Shri S. Jaipal Reddy]
skeleton was found in the Bofors factory premises. It was found to be within a distance of 100 KMs from the main gate of the Bofors factory premises. It is said to be two years old. The discovery of a skeleton in the Bofors factory premises is highly symbolic of the situation in which we are finding ourselves. While this skeleton is two years old, the skeleton of Bofors India has been rattling in the cupboard of Government of India for nearly five years now.

SHRIMATI MARGARET ALVA: That was the skeleton which Mr. V.P. Singh was trying to pull out.

डा० रत्नाकर पाण्डेय: 15 दिन कहा था। आप जिस दल के प्रवक्ता हैं, जिस दल के नेता हैं, उस दल के प्रधानमंत्री ने कहा था कि 15 दिन तक

SHRI S. JAIPAL REDDY: What is this, Madam?

डा० रत्नाकर पाण्डेय: ... बोफोर्स के सारे तथ्य सामने रख देंगे लेकिन वे कुछ नहीं कर पाये 11 महीनों में। आप क्या करना ... (व्यवधान)...

SHRI S. JAIPAL REDDY: I refuse to speak.

डा० रत्नाकर पाण्डेय: आप हमारे स्वर्गीय नेता और हमारे ईमानदार प्रधानमंत्री की ... (व्यवधान)...

SHRI S. JAIPAL REDDY: I refuse to speak. Let the Congress speak. I will speak towards the end.

उपसभापति: पाण्डेय जी, आप जब बोलें तब पूछ लीजियेगा। ... (व्यवधान) ... आपकी बारी जब आयेगी तब आप पूछ लीजिये।

SHRI S. JAIPAL REDDY: I refuse to speak. In my view, Dr. Jain made many devastating points. You tried to make light of them through such interruptions. If that is your technique, I am prepared to opt out of this debate.

SHRIMATI JAYANTHI NATARAJAN: No, no. Don't compare yourself with Dr. Jain.

SHRI S. JAIPAL REDDY: I am not comparing myself with anybody. I made a reference to the points he has made.

SHRI DIPEN GHOSH: They say

they do not have any speakers. Let them speak first. What is this (Interruptions). We will speak later.

THE DEPUTY CHAIRMAN: Now, please.

SHRI VISHVJIT P. SINGH: We now see both the Janata Dal and the CPM coming to the defence of the BJP.

श्री सिकन्दर बख्त: वाह, वाह क्या बात है।

سری کنیر بخت: واہ واہ کیا بات ہے

SHRI S. JAIPAL REDDY: The skeleton which has been rattling is also now burning.

SHRI DIPEN GHOSH: Or stinking.

SHRI S. JAIPAL REDDY: The fires of Bofors are spreading far and wide. They can only be extinguished by the sand of truth; otherwise, they will keep on raging, and I am afraid, they will burn down many things in addition to the ones that have already been burnt down. Everytime an attempt is made to cover up this scandal, the fires of Bofors scandal are only being stoked further. This has provide to be a counter-productive technique. The attitude of the Congress(I) Government has always been characterised towards this affair by what I might call a *malafide* ambivalence. It has been always willing to wound the investigation but afraid to strike. It has been caught up in this fatal contradiction right from the word "go". This skeleton has now been transformed into a ghost, and this ghost has taken a heavy toll, and the latest victim is, of course, Mr. Madhavsingh Solanki. Mr. Solanki cannot get away through mere resignation or striking a pose of injured innocence. He was completely aware of what he was doing. If the Government of India agrees that the note published in the Indian Express today is the authentic version, the contents of the note, however shabbily written, are devastating. He made a deliberate and vicious attempt to scuttle, sabotage and bury and Bofors investigation. This cloud has now cast an ominous and lengthening shadow over the entire Congress-I Government. It is not confined to Mr. Solanki. After all, this letter was delivered as far back as on

* [] Transliteration in Arabic Script.

1st of February. What has the Government of India been doing? I learn through Prithvi Nandy's piece in today's of Observer that the RAW has been reporting to PM's office about Mr. Solanki's has hobnobbing with the Hinduja's abroad. So, why did the PM's office sleep over the matter? I have great respect for the Prime Minister. I have known him since my childhood. I am afraid Delhi appears to have brought about a change in him which is beyond my recognition. I must say he has given the impression of himself being guilty ... *(Interruptions)*

SOME HON. MEMBERS: No, no.

SHRI VIREN J. SHAH: He is saying 'he has given the impression'.

SHRI S. JAIPAL REDDY: He has given an impression ... *(Interruptions)* ... of being guilty of studied indifference and masterly inaction. *(Interruptions)*.

Madam, a public interest litigation was launched in Delhi High Court by one Mr. Chaudhary in the Court of one Justice Chawla, and who was the advocate of Mr. Chaudhary? Mr. Bhagat; former Additional Solicitor General, a self-confessed Congressman. He was defending this public interest litigation. We had to go to the Supreme Court to get the mischief of his public interest litigation undone. I am asking as to why the Congress(I) did not go to the Supreme Court. When the CPM, CPI, the Janata Dal and the BJP had to go to the Supreme Court, why didn't the Congress(I) go to the Supreme Court?

SHRIMATI MARGARET ALVA: Why should we go?

SHRI S. JAIPAL REDDY: Now that you have come back, I would like to know as to what attempt the Government of India has made since the Supreme Court delivered the judgement quashing the order of Justice Chawla. This judgement was delivered by the Supreme Court on 27th August, 1991, but the Government of India has done nothing since then except writing a few letters. *(Interruptions)*. I will come to that. After the Supreme Court judgement, Mr. Vinod Chaudha filed a petition in the High Court and got ...

SHRI S. KRISHNA KUMAR: Madam, they were so impatient that they were not even letting me to make a statement. Now he is contradicting what already is there in the statement. They were interrupting during my statement. My statement answers these points elaborately.

SHRI KAMAL MORARKA: Why are you interrupting Mr. Jaipal Reddy? *(Interruptions)*.

SHRI S. KRISHNA KUMAR: I never made personal comments as you did.

THE DEPUTY CHAIRMAN: Reminding.

SHRIMATI JAYANTHI NATARAJAN: He is saying that because he has already clarified.

SHRI KAMAL MORARKA: It cannot be a reminder. *(Interruptions)*. There cannot be a bigger proof than this that they want to scuttle away the whole debate. *(Interruptions)*.

SHRI S. KRISHNA KUMAR: They did not have the patience to listen to the statement.

SHRI KAMAL MORARKA: Madam, please tell the Minister—he is not in his chamber—if the Leader of the Opposition is not allowed to speak... *(Interruptions)*... none of them will be allowed to speak, no Minister will speak. We have all been in the Treasury Benches. We did not behave like this. If there is no reply to our question...

THE DEPUTY CHAIRMAN: Mr. Morarka, remember that you are also in the Rajya Sabha, you are not in your home. Cool yourself down.

SHRI KAMAL MORARKA: We did not interrupt him like this. *(Interruptions)*.

SHRI S. JAIPAL REDDY: I am not yielding. *(Interruptions)*. Mr. Vishvijit Singh, with due respect, I am not yielding.

SHRI KAMAL MORARKA: When Mr. Jaipal Reddy is speaking...

SHRI S. KRISHNA KUMAR: You were also interrupting. It does not lie in your mouth now to say so.

SHRI KAMAL MORARKA: All the Ministers are*... (Interruptions). And they are lecturing here.

SHRI VISHVJIT P. SINGH: Madam, he has said that all Ministers are* (Interruptions).

THE DEPUTY CHAIRMAN: I will remove it. Wait a minute please. Mr. Kamal Morarka, Please have restraint. Please, do not use such words which you will regret yourself. Do not say such words that all Ministers are* (Interruptions). Please, not all. You cannot make such sweeping remarks. That is not correct. (Interruptions). I won't permit.

SHRI SYED SIBTEY RAZI (Uttar Pradesh): He was the carrier of Mr. Chandra Shekhar's brief case. He was taking the brief case of the former Prime Minister, Mr. Chandra Shekhar. Wherever he was going, he was taking his brief case with him. ... (Interruptions)...

SHRI KAMAL MORARKA: Who? ... (Interruptions)...

SHRI SYED SIBTEY RAZI: You! Then why are you talking*

SHRI KAMAL MORARKA: I am proud of him.

SHRI SYED SIBTEY RAZI: You may be proud of him... (Interruptions)...

SHRI BHUVNESH CHATURVEDI (Rajasthan): Mr. Morarka, you must be ashamed of it. ... (Interruptions)...

THE DEPUTY CHAIRMAN: Please, I would request... (Interruptions)...

Mr. Morarka, please. Let him speak.

SHRI KAMAL MORARKA: Madam, I have not used a single derogatory expression.

THE DEPUTY CHAIRMAN: You did.

SHRI S. KRISHNA KUMAR: He did. ... (Interruptions)...

SHRI KAMAL MORARKA: I only wanted to criticize that the Minister had resigned because he acted as a* for a lawyer whose name he doesn't know. ... (Interruptions)...

SHRI BHUVNESH CHATURVEDI: Why lose your balance? ... (Interruptions)...

THE DEPUTY CHAIRMAN: But you should not say "All Ministers." ... (Interruptions)...

SHRI KAMAL MORARKA: I stand corrected. I hope Mr. Krishna Kumar has not yet been found carrying. ... (Interruptions)...

I withdraw my words, Madam. ... (Interruptions)...

SHRI BHUVNESH CHATURVEDI: You were also a* ... (Interruptions)...

SHRI VISHVJIT P. SINGH: Madam, I am on a point of order. The hon. Member, Mr. Kamal Morarka, first makes... (Interruptions)...

DR. RATNAKAR PANDEY: Your Prime Minister attended... (Interruptions)...

THE DEPUTY CHAIRMAN: I said, please. ... (Interruptions)...

Now, please.

SHRI KAMAL MORARKA: Do you expect me to do like you people? ... (Interruptions)...

THE DEPUTY CHAIRMAN: One minute. I would ask, I would request Members from both sides... (Interruptions)... Please. If there is a seriousness in discussion... (Interruptions)... Mrs. Natarajan, please. Let us not take the names of people who are not Members of this House. I won't permit that. I will not permit the names of those people who can't defend themselves. So, please restrain. And Mr. Kamal Morarka, cool yourself, don't get agitated. ... (Interruptions)...

SHRI KAMAL MORARKA: Mr. Krishna Kumar should restrain himself. I haven't taken anybody's name; I don't do it.

THE DEPUTY CHAIRMAN: Mr. Krishna Kumar didn't do anything objectionable. He only reminded that all these things are mentioned in his statement.

SHRI VISHVJIT P. SINGH: Madam, the hon. Member, Mr. Kamal Morarka, not only first makes objectionable remarks but then he repeats them and,

* Expunged as ordered by the Chair.

after repeating them, he states them in another manner by making them even more derogatory.

SHRI KAMAL MORARKA: That is called parliamentary skill. Madam; that can't be objected to. ...*(Interruptions)*...

SHRI VISHVJIT P. SINGH: He doesn't even show an iota of respect for the Chair, does not express any kind of regret for what he has said. I urge upon you, Madam, to kindly go through the record. If anything has been said there, which is unparliamentary, I would request you to kindly expunge those remarks.

THE DEPUTY CHAIRMAN: I will do that.

SHRI KAMAL MORARKA: Agreed!

THE DEPUTY CHAIRMAN: And I request for future, don't let me go and read all the records, because it is better if you restrain yourselves, all of you.

SHRI V. NARAYANASAMY: Madam, he is jumping every time. Kindly check his seat also.

THE DEPUTY CHAIRMAN: I think I will do that for you too!

SHRI S. JAIPAL REDDY: Madam, I am happy that good humour is back in the House again. Let me clarify at the very outset, I will yield to any intervention of the concerned Ministers because the purpose of the debate is to get things clarified. I have absolutely no objection to yielding, but I stick to the position that I have already taken that, after the Supreme Court judgment delivered on 27th August 1991, the Government has not taken proper steps to follow up the matter. I am fully aware of the contents of the statement made by the Defence Minister. If after the Supreme Court Judgment Mr. Vinod Chaudhary filed a writ petition in the Delhi High Court—it was admitted—I would like to know as to why no attempt was made by this Government to get this absolutely baseless petition dismissed in the Delhi High Court. I would also like to know... *... (Interruptions) ...*

[**The Vice-Chairman (Shrimati Jayanthi Natarajan)** in the Chair]

SHRI DIPEN GHOSH: We are safe; we are safe now! ...*(Interruptions)*...

SHRI S. JAIPAL REDDY: I would also like to know as to why the Government of India has not, so far, moved the Supreme Court to get this petition quashed. Why? It could have also got the case transferred to the Supreme Court. Why was it allowed to rest there? Now, when Mr. M.D. Sharma, the I.G. dealing with the case was there, Mr. Madhavan was transferred.

SHRI VITHALBHAI M. PATEL: By whom?

SHRI S. JAIPAL REDDY: By this Government. I will not name the person responsible for it. Don't compel me to name the person.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Please, let him speak.

SHRI S. JAIPAL REDDY: Mr. Madhavan was transferred. When Mr. Madhavan was transferred, there was a news item to the effect that he was transferred under pressure. The CBI at that time released a Press-note, according to which Mr. Madhavan was transferred because he had been promoted as I.G. and that there was no need for two I.Gs. After Mr. Madhavan was transferred, Mr. M.D. Sharma who was then the I.G., was also transferred to Madhya Pradesh. Now the Minister of State in the Prime Minister's office says that Mr. Madhavan was transferred at his own request.

SHRIMATI MARGARET ALVA: No. I would like to put the record straight. I spoke about Mr. Sharma being transferred at his own request. I did not say about Mr. Madhavan.

SHRI S. JAIPAL REDDY: I stand corrected. I was perhaps wrongly briefed about what happened in the other House.

The point I am trying to make is: why did the Government think it fit

[Shri S. Jaipal Reddy]

to transfer both the officers dealing with the Bofors investigation, Mr. M.D. Sharma and Madhavan? What was the compulsion behind it? Mr. Madhavan was transferred, I charge, under pressure. Whose pressure? I don't want to state it. He has been replaced by Mr. R.C. Sharma. I don't want to refer to Mr. R.C. Sharma's connections. But he has been dealing with many sensitive political cases. He has been dealing with the Airbus case. He has been dealing with the St. Kitts forgery case. He has been dealing with the HDW case. Now he has been entrusted with the Bofors case. I would like to know whether Mr. R.C. Sharma has been discovered as an official whitewasher of all the mega political scandals. ... (*Interruptions*)

SHRI MADAN BHATIA: Madam,....

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Let him speak.

SHRI MADAN BHATIA: Just because he has made some observation. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): He has yielded.

SHRI MADAN BHATIA: May I bring to the knowledge of the hon. Member that it was Mr. R.C. Sharma who was engaged by the Janata Government to assist the Shah Commission in order to investigate the case against Mrs. Gandhi, and it was he who carried out all the investigations against Mrs. Gandhi? This is the background of Mr. R.C. Sharma. And he says that Mr. R.C. Sharma has been engaged to whitewash the Bofors case. This is the irresponsibility to which he is descending.

SHRI JAGESH DESAI: Very ridiculous.

SHRI S. JAIPAL REDDY: I respect Mr. Madan Bhatia. He is a senior Member. I yielded.

But, of course, he is talking of ancient history. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): No. Kindly let the Leader of the Opposition speak.

SHRI S. JAIPAL REDDY: You are talking of 1977. I am dealing with the recent history. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Mr. Reddy, please continue your speech. (*Interruptions*).

SHRI S. JAIPAL REDDY: She is always sweet in the Chair. No problem.

I would like to know why the copy of Win Chadha's petition was in the first place sent to our lawyer, Marc Bonnant, and our Embassy. I don't find anything wrong with it. Let me satisfy you with my own judgment. But I would like to know as to why a copy of it was sent a second time. It was sent first time in September. A second copy was sent towards the end of October. All this has been referred to in the article of Mr. Irani. He wrote the article after talking to the CBI. I would like to know as to why Win Chadha's petition was sent twice to Switzerland. They were obviously intended to give contradictory signals. This is not my inference. This was the inference of the the Swiss Police Chief, Mr. Schmid. When the D.S.P., Mr. Malhotra, visited him Mr. Schmid wanted to know two things categorically and unequivocally from the Government of India: first: as to what meaning should be attached to the petition of Mr. Win Chadha; Second: as to whether the Government of India was really interested in pursuing the case. This grave suspicion arose in the mind of Mr. Schmid and this message of Mr. Schmid was carried back to the Government of India on March 6 by the D.S.P., Mr. Malhotra. This was after the note of Mr. Solanki had been delivered. After that, CBI sent three clarification—one on 9th March, another on 24th March and the third on 26th March. Why are innocuous clarifications sent so repeatedly? Do the clarifications offered by CBI take precedence over the note given by the Minister of External

Affairs? Was the Government during that period utterly unaware of the note given by the External Affairs Minister? If it was unaware, the Government was utterly incompetent; and if it was aware and did not take action, the Government was downright guilty of criminal inaction.

So many developments took place in Sweden. Government changed hands in Sweden. Ownership of Bofors changed hands in Sweden. Did our Government display any political will to exploit favourable changes to pursue the Bofors truth the lairs. No. One senior Parliamentarian came from Sweden and went back saying that it was left to the Government of India. In the last nine months, the D.S.P., Mr. Malhotra, visited Switzerland only once. No other official has visited. Why?

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Mr. Reddy, how much longer will you take?

SHRI S. JAIPAL REDDY: Just ten minutes.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): I am asking because your time is over.

SHRI S. JAIPAL REDDY: I will try to conclude quickly.

The Office of Mr. Schmid told the press that many authorities and persons spoke to the office of Mr. Schmid claiming to represent the Government of India requesting it to go slow on the Bofors case. Will the Government of India try to find out from the office of Mr. Schmid as to which were all the authorities that got into contact with his office in this regard?

I would like to know as to why this Government has been treating Mr. Win Chadha with kid-gloves? The CBI—Mr. Krishna Kumar was never good enough to tell us—agreed to examine Mr. Win Chadha in London. Why? Why didn't you insist for this return to India? Why did the CBI agree to take evidence from Win Chadha in London? The

involvement of Hinduja has been known because they are appellants in the court cases pending in Switzerland. How it is that our Ministers have been consorting with S.P. Hinduja of Jubilee Finance? I would like to know about it. I may also point out that Hinduja were involved in the HDW submarine scandal. The broker is the same.

SHRI JAGESH DESAI: There was no scandal.

SHRI S. JAIPAL REDDY: It is my view. Both the mega scandals, involving foreign exchange and payment through foreign banks have the same broker. Are we wrong in inferring that the recipients also are common?

Mr. Solanki cannot get away from all this through his studied absence, through his deliberate silence. He has got to identify to the country, the lawyer who has passed on the note to him.

Madam, I am happy that the Prime Minister made a ringing declaration yesterday that his Government would pursue the matter vigorously. But this declaration sounds hollow. Similar declarations have been made in the past. Whenever there is pressure, the Government responds with a positive declaration. Once the pressure eases, they once again get back to their tactics of sabotage and scuttling. There is a danger now of defreezing of the sixth account. The sixth account which was frozen almost by accident contains, very heavy sums. It runs into hundreds of crores. The sixth account contains not only the funds given in respect of Bofors scandal but also funds that flowed into it through other scandals there is now real danger of defreezing of all the accounts, including the sixth account. So there is need for the Government to act with expedition and determination. If the Government is really keen to pursue the matter, if it wants to make its sincerity look real, then, it must bring back Mr. Madhavan. Mr. Madhavan was one officer who has stood up to a Law Officer in the court and told the Judge that the

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Law Officer was betraying the CBI. He had stood up to the then Law Minister and such an officer has been removed, I charge, with an ulterior motive of sabotaging the investigation.

I would like to warn the Government. The Bofors ghost cannot be easily laid to rest and it will haunt people until the truth is found out. The only way of exposing the Bofors ghost or laying it to rest or getting it laid to rest is to find out the names of the recipients. Congressmen appear to know more about the names of the recipients than we who have been charging. Thank you, Madam.

श्री सिकन्दर बख्त: मेरी एक गुज़ारिश है और मेरी गुज़ारिश, सदर साहिबा, यह थी कि मुझे मालूम नहीं कि कौन कब तक और किस वक्त तक बैठेगा? एक गुज़ारिश मैं करना चाहता था, मुझे मालूम नहीं कि कृष्ण कुमार साहब जवाब देंगे या मारमेट साहिबा जवाब देंगी, कि यह जो बोफोर्स इन्वेस्टीगेशन की टीम है, यह लूज़ली इस्तेमाल होने लगी है। इन्चार्ज इसकी किसी और मसले के लिए हुई थी, गालिबन इस बयान से हुई थी कि कोई दरम्यान मिडलमैन नहीं होगा और कमीशन एजेंट्स नहीं होंगे और अब वह हजारों पहलुओं में डेवलप हो गई है—खत दिया गया, किसको दिया, किसने दिया, इस्तीफा दे दिया, बैक्स में किसके नाम में कितना रुपया है वगैरह, वगैरह? मैं सिर्फ यह जानना चाहता हूँ जब जवाब आएगा कि स्वीडिश ऑडिट ब्यूरो ने जो इसका फैसला सुनाया है, मैं भूल गया हूँ असल रकम, गालिबन 53 करोड़ रुपया कमीशन के तौर पर पास-ऑन हुआ है, तो मैं जानना चाहूँगा हकूमत के जवाब में कि स्वीडिश ऑडिट ब्यूरो के इस फैसले का क्या मकाम है? उनका अपना जो बोफोर्स के संबंध में डिफेंस आएगा, मैं चाहूँगा कि इस बात का जवाब आप जरूर दें, यह मैं जानना चाहूँगा।

شہری رکنندہ رخصت: میری اپنی گزارش ہے اور میری گزارش صدر صاحبہ یہ تھی کہ مجھے معلوم نہیں کہ ہوا کیسے اور کس وقت تک پہنچے گا۔ اپنی گزارش میں کرنا چاہتا تھا مجھے معلوم نہیں کہ کیشن کیا رصاحب جواب دینگے یا مارمٹ انویسٹی گیشن کی طرف سے۔ یہ لوزلی استعمال ہوئے لگی ہے۔ اینڈ اسکی اس بیان سے ہوئی تھی کہ غالباً ٹول میں نہیں ہوگا۔ اور اس وہ ہزاروں پہلوؤں میں ڈیولپ ہوئی ہے۔ خط دیا گیا۔ کسکو دیا۔ کس نے دیا۔ استعفیٰ دینا۔

بینکس میں کس کے نام میں کتنا روپیہ سے وغیرہ وغیرہ۔ میں صرف یہ جانتا چاہتا ہوں۔ جب جواب آئیگا۔ کہ سوڈیشن آرڈر بیورو نے جو اسکا فیصلہ سنایا ہے۔ میں بھول گیا ہوں اصل رقم۔ غالباً 53 کروڑ روپیہ کمیشن کے طور پر پاس آن ہوا ہے۔ تو میں جانتا چاہتا ہوں کہ حکومت کے جواب میں کہ سوڈیشن آرڈر بیورو کے اس فیصلے کا کیا مقام ہے۔ اسکا اپنا جو بوفورس کے سمبندھ میں ڈیفنس آئیگا میں چاہتا ہوں کہ اس بات کا جواب آپ ضرور دیں۔ یہ میں جانتا چاہتا ہوں۔

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Now that you have brought it to the hon. Ministers' notice, it

will be taken note of. Whenever there is intervening, Mr. Sikander Bakht's point will be taken care of.

SHRI MADAN BHATIA (Nominated): Madam Vice-Chairman, so far as the speech of the opening speaker on this side is concerned, I do not think that it is necessary for me to deal with anything that fell from him. His speech was partly irrelevant inasmuch as the debate today is not concerned with the resignation of Mr. Solanki, but with the investigation into the Bofors deal. Partly it was based on untrue statements and partly it was totally irrelevant. The opening speaker was followed by the hon. Member who, in the course of his speech, asked why the Government did not go to the Supreme Court to have the baseless writ petition filed by Win Chadha in the Delhi High Court quashed. I am staggered at the colossal legal ignorance of the hon. Member. I would give one example, Madam Vice-Chairman. There was a writ petition which was filed by Mrs. Gandhi in the Calcutta High Court, challenging the Constitution of the Special Court. Immediately thereafter, the Janata government came to the Supreme Court and filed a Special Leave Petition challenging the admission of the writ petition by the Calcutta High Court. And the Supreme Court immediately granted stay of the admission of the writ petition. When the notice came to Mrs. Gandhi, Mrs. Gandhi instructed me to appear on her behalf in the Supreme Court. I

* [Translation in Arabic Script.]

appeared before the Supreme Court and I simply made this submission. Under what provision of the Constitution has the Supreme Court stayed the hearing of the writ petition which has been filed by a citizen in a competent High Court having jurisdiction to hear that writ petition? This is nothing but tantamount to transferring the writ petition from the High Court to the Supreme Court which jurisdiction the Supreme Court does not have under Article 136 of the Constitution. The Supreme Court said, "a mistake has been committed by us" and immediately vacated the stay. The writ petition started being heard by the Calcutta High Court and the hearing went on for months till Mrs. Gandhi became the Prime Minister. And my learned friend has said, "Why has this Government not gone to the Supreme Court to have the writ petition filed by Win Chadha in the Delhi High Court quashed?" This is the legal ignorance on the basis of which this House is taken for a ride. Then he says, what steps this Government has taken to expedite the hearing of this writ petition in the Delhi High Court? He ought to know that no stay has been granted by the Delhi High Court and when no stay is granted against the Government in a writ petition, it is rather the endeavour of the Government not to have the expeditious hearing of the writ petition because no interim relief has been granted to the petitioner. The Government, on the other hand, this statement says, informed their counsel in Switzerland, for appropriate action... (*Interruptions*)

SHRI V. GOPALSAMY: Madam, I am on a point of order.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): He is on a point of order, Mr. Bhatia. Let him be heard.

SHRI V. GOPALSAMY: The hon. Member, I must point out, made an observation against our hon. Member, about his colossal ignorance of law as if he is posing himself as a constitutional authority. Has he read about article 139? (*Interruptions*).

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Mr. Gopalsamy, please let him speak. (*Interruptions*).

SHRI S. JAIPAL REDDY: I have no objection. It is not unparliamentary expression. I am no lawyer. I plead guilty.

SHRI V. GOPALSAMY: He is a lawyer without any brief in the Supreme Court. (*Interruptions*).

SHRI MADAN BHATIA: I have no brief anywhere. I don't have the brief from you. I don't have the brief of LTTE. I don't hold the brief from LTTE to destroy this country. My learned hon. Member has its brief. But I am sorry, I don't have the brief.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): May I request you to kindly come back to the subject of discussion?

SHRI V. GOPALSAMY: But you have got a brief from Win Chadha. (*Interruptions*). Yes, he has got a brief from Win Chadha.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Mr. Gopalsamy, please sit down. Can we not refrain from making personal remarks in the House and continue with the discussion?

SHRI MADAN BHATIA: Madam, I was on this point. The statement says, the Government, on the contrary, immediately informed their counsel in Switzerland for transmitting this information to the appropriate authorities that no stay has been granted by the Delhi High Court and the matter should be allowed to proceed before the court of appeal in Geneva. The hon. Member should also know that neither the Government of India nor any of its agencies, including the CBI, has the right of audience in the court of appeal in Geneva. When there is no right of audience, all that the Government of India could do, was to transmit this information to the counsel, who was representing the Government of India, to inform the appropriate authorities that since there is no stay whatsoever, since the case in the Supreme Court has already been dismissed, the appeal hearing can be expedited and can be heard. Beyond that, the Government of India could do nothing. Even today, the Government of India cannot do anything beyond

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that. This should be made very clear. This is the only step that the Government of India could take and this is the step which the Government of India took.

Then, the hon. Member has said, the Government showed lack of political will to take advantage of the changes which have taken place in Sweden. This is, Madam, a remarkable rhetoric. It is a rhetoric which not only seeks to mislead this hon. House, it completely ignores the statement which has been made from the floor of this hon. House by the hon. Minister and I shall read one paragraph from that statement. It says: After examining the letters rogatory, the Swedish Government communicated its decision on 14th June 1991, when this Government was not in power. The request for examination of the witnesses had been made by the previous Government and the information is communicated to the previous Government on 14th June 1991 saying that it was not agreeable to reopening the preliminary investigation by Mr. Ringberg, District Prosecutor, Stockholm. What does this Government do when it comes into power? It could only file an appeal against the order which was made by the District Prosecutor. Did the Government file an appeal or did it not file an appeal? The answer is the Government did file an appeal. The Government could only file an appeal against the decision of the District Prosecutor not to reopen the investigation. But, unfortunately, what happened? Subsequently, after discussions with our advocate at Stockholm an appeal was filed on 2nd March against the aforesaid decision of the District Prosecutor. The Swedish Prosecutor General rejected the appeal on 10th of March 1992 on the ground that no fresh facts have been brought forward to justify the reopening of the case. The hon. Member has the temerity to say that this Government showed lamentable lack of political will to take advantage of the changes which have taken place in Sweden. What was the ground on the basis of which the appeal was rejected? The appeal was rejected on the ground that no fresh facts have come to light which justify the reopening of the investigation. When the investigation had been closed, this is what the Prosecutor had said—I would read it from his letter

which was annexed to the Report of the Joint Parliamentary Committee—

“Through the inquiry it has emerged that AB Bofors during 1986 disbursed about SEK 319 million to three foreign companies with accounts with different banks in Switzerland. A request was made through the agency of the Ministry of the Foreign Affairs to the competent authority in Switzerland for information concerning which persons/s were authorized to make withdrawals from the accounts in question and what transactions had taken place. However, in view of Swiss legislation such information could not be obtained.”

Thus, neither written nor oral evidence has been obtained through the enquiry undertaken with regard to whom payments were made and the reasons for them. In view of this, the investigation is closed. This was the position before the Public Prosecutor and this position did not advance even a bit from 1987 till 1991 when the appeal was filed and the appeal had to be dismissed. This is the Swedish law. We are not makers of the Swedish law. We have no control over the law of Sweden. We cannot compel the Court of Appeal to go against its own law. The law of Sweden is very clear that if there are some fresh facts and new information the investigation may be reopened; otherwise it is not liable to be reopened and that is how the decision was taken. But I would like to inform the hon. Member that still the matter is being considered by the Government of India—according to my information, considering the possibility of filing a second appeal in Sweden itself—and the hon. Member talks about the rattling of skeletons in the cupboard of the Government of the day.

Madam, having dealt with various points which the hon. Member has made, I must confess that whenever Bofors issue was discussed in this hon. House I always participated in the debate. But I never knew that today, in 1992, when Rajiv Gandhi is no more, I shall have to stand up and speak on this issue again. If there

is one issue which was played up the most to contribute to create an atmosphere of hatred and violence against Rajiv Gandhi in this country by various political forces, it is the Bofors issue.

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If there is an issue which by contributing to this atmosphere of hatred and violence led to the political assassination of Shri Rajiv Gandhi, it is the Bofors issue. I am very sensitive about this issue. He was not only my leader, he was the great son of India. (*Interruptions*).

SHRI S. JAIPAL REDDY: Madam, I would like to... (*Interruptions*).

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Hon. Members, let the Leader of the Opposition say something. You can't prevent him from saying something.

SHRI S. JAIPAL REDDY: If the hon. Member yields, I would like to say one thing. It has been found out through the SIT that the LTTE was involved in it. Why are we mixing up the issues? There is no doubt historically that the name of Shri Rajiv Gandhi was involved in the Bofors scandal. I don't think it should be in any way connected with the tragic assassination of Shri Rajiv Ghandhi.

डा० रत्नाकर पाण्डेय: एल०टी०टी०ई० को किसने बनाया? वी०पी० सिंह ने बनाया। एल०टी०टी०ई० के लोगों से अभिनेंदन लिया मद्रास में जाकर... (*व्यवधान*)

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Mr. Bhatia, please conclude.

SHRI MADAN BHATIA: Madam, I pray for 10 minutes.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Your time is over. Please be brief.

SHRI MADAN BHATIA: Madam, there are only two issues involved in this debate. One is, is this Government guilty of tardiness or obstruction in the investigation into the Bofors deal? The second aspect is, if it is so, what can be the motive on the part of the

Government? The entire investigation into the Bofors deal has to be divided into four different periods.

The first period is from 16th April, 1987 to November, 1989 when the Government of Mr. Rajiv Ghandhi was in power. The second period is from Decemer 1989 to November, 1990 when the Government of Shri V.P. Singh was in power. The third period is from November, 1990 to June, 1991 when the Government of Shri Chandra Shekhar was in power. The fourth period is from July 1991 till today when the present Government is in power. In order to see whether this Congress Government is guilty of any obstruction or tardiness, we have to go back to the performance of the Congress Government led by Shri Rajiv Gandhi because it was the name of Shri Rajiv Gandhi which was involved and dragged into this whole episode. Hundred of cases of corruption are committed throughout the country. The Parliament does not take notice of them. Hundred of violations of the Foreign Exchange Regulations Act have been committed and are committed in this country. The Parliament does not take notice of them. The Parliament took notice of this because it was played up and it was sought to drag the name of Shri Rajiv Gandhi into the whole issue. That was the reason why the Bofors issue has exploded again and again in this hon. House. What was the conduct of the previous Government? On 16th of April broadcast was made on the Swedish radio. Before that I would like to give some sequence. On 13th April, 1987 Mr. V.P. Singh resigned as Defence Minister. On 14th april, 1987 a representative of the Swedish radio landed up in New Delhi. Within a period of 48 hours, on 16th April the Swedish radio announced that in the Bofors dalal money had been paid to various figures. The sequence of events is very disturbing and ominous. What did this Government do? On 21st April, the Government of India under the leadership of Shri Rajiv Gandhi wrote to the Swedish Government, "please let us know the details of this announcement which has been made by the Swedish radio." It was at the instance of the Government of India that a National Audit Bureau was appointed by the Swedish Government. Let us not run

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away from this fact. It was this National Audit Bureau appointed by the Swedish Government at the instance of the Government of India which was able to discover that payments had been made. This was done because of the efforts of the Government of India. Then what does follow? The moment this report was received on 21st June, 1987 an *aide-memoire* was sent by the Government of India to the Swedish Government to get the details about who had received the payments. In what connection was the payment made? On which day was the payment made? The identity of the person who received the payment. This was done on 21st of June. But no reply was received. Ultimately, the reply did come somewhere in the month of August when the Public Prosecutor Mr. Ringberg started investigations. The Government of India could have rested and could afford to forget all about it. It would have chosen to inform the Parliament that through its efforts an inquiry had been initiated through the Prosecutor of Sweden. But the Government of India did not do that. The Government of India under the leadership of Shri Rajiv Gandhi came before the House and said that it was not satisfied with the investigation that was being done by the Swedish Government and wanted to carry out another investigation through a Joint Parliamentary Committee. What was your reaction? What was your conduct? You boycotted it because you were not interested in the truth but you were interested in gaining political mileage out of this issue and nothing else. You knew that you could not castigate Shri Rajiv Gandhi by associating with the Joint Parliamentary Committee... *(Interruptions)*...

PROF. SAURIN BHATTACHARYA (West Bengal): This is something irrelevant...

SHRI MADAN BHATIA: Why did you boycott it? It was the Joint Parliamentary Committee which was able to discover the names of the three companies which had received the payments. But the Joint Parliamentary Committee did not rest at that because the identity of these three companies was not visible. Then the CBI swings into action.

The CBI was entrusted with the job of finding out who the directors of these three companies were. The CBI conducted the inquiry. It was the Government of India which entered into MOU with the Swiss Federal Government in order to issue Letters Rogatory to the Swiss Government for the purpose of finding out the identity of accounts. Who entered into MOU? It was the Government of India led by Shri Rajiv Gandhi. But then after that the Government fell and then what happens? The first salvo was fired by Mr. V.P. Singh in this very House on the 31st of December, 1989. What was the salvo? He said, "Look here, the Minister of State had recommended that the contract with Bofors be cancelled as they have not disclosed the names and Mr. Rajiv Gandhi did not accept this recommendation." This was the evidence of guilt against Shri Rajiv Gandhi and it was a remarkable evidence of guilt. What was the letter which Mr. Rajiv Gandhi wrote? I will read out the letter:

"It is unfortunate that MOS/AS has put his personal prestige above the security of the nation before even evaluating all aspects. I appreciate his feelings as he had been dealing with Def almost completely on his own with my full support but that is not adequate reason to be ready to compromise the security of the nation. Has he evaluated the actual position *via-a-vis* security? Has he evaluated the financial loss of a cancellation? Has he evaluated the degree of breach of contract by Bofors if any? Has he evaluated the consequences for all future defence purchases if we cancel a contract unilaterally? Has he evaluated how rival manufacturers will behave in the future?"

"Has he evaluated how GOI prestige will plummet if we unilaterally cancel a contract that has not been violated? To the best of my belief the Swedish Audit report upholds GOI position and does not contradict it. What we need to do is to get the roots and find out what precisely had been happening and who all are involved. Kneejerk reactions and

stomach cramps will not serve any purpose. RRM has run the Ministry fairly well but there is no reason to panic, specially if one's conscience is clear."

This is the letter which in the philosophy of Mr. V.P. Singh was an incriminating letter to involve Mr. Rajiv Gandhi in the Bofors deal. This was on 31st December. And then, what is the next step?

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): You will have to conclude now.

SHRI MADAN BHATIA: I am concluding in two minutes. The last point that I want to submit is that on 23rd of January it was broadcast to the entire nation that under the leadership of Mr. V.P. Singh, so much investigation had been carried out...*(Interruptions)*

SHRI S.B. CHAVAN: The extra time that he takes may be deducted from our party's time.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): It has been deducted from the party's time.

SHRI DIPEN GHOSH: The Leader of the House should know that time is not transferable.

THE VICE-CHANMAN (SHRIMATI JAYANTHI NATARAJAN): What the Leader of the House has been saying is that it is against the Congress time. The Congress has two-and-a-half hours. So he can speak...*(Interruptions)*

He is entitled to use his party's time. You cannot protest...*(Interruptions)*

SHRI S. JAIPAL REDDY: Two-and-a-half hours includes the time to be taken by the Minister and the Prime Minister. Please note that...*(Interruptions)*

SHRI R.K. DHAWAN (Andhra Pradesh): Mr. Jaipal Reddy, he has mentioned about four periods. Why are you worried about your period? You should not get worried about that period?

SHRI S. JAIPAL REDDY: I am not...*(Interruptions)*

SHRI DIPEN GHOSH: The more

time that he takes should be deducted from his time.

SHRI MADAN BHATIA: Mr. V.P. Singh had been stunned and cut to the quick and sarcastically treated by the hon. Members of this House, on 31st December when he has announced, "If I am brought into power, within a period of 14 days, I shall disclose the entire accounts of Mr. Rajiv Gandhi kept in the Swiss Bank in connection with Bofors." Now what has happened? *(Interruptions)*

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): No interruptions. Mr. Saqhy, please sit down...*(Interruptions)*

SHRI T.A. MOHAMMED SAQHY (Tamil Nadu): It is not relevant to the statement made by the Minister.

SHRI MADAN BHATIA: Earlier, in 1987-88, at a public meeting in Patna, he flourished his watch and he said, "This watch carries the code number of the Swiss Bank account of Mr. Rajiv Gandhi and I shall disclose this number in Parliament". This was the flourish in which he indulged before the public meeting in Bihar...*(Interruptions)*

SHRI V. GOPALSAMY: He gave the number of the Swiss Bank account.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): No interruptions.

SHRI MADAN BHATIA: And nothing was disclosed Madam, I would like to say that never before in the history of Parliamentary democracy, has a nation been hit with so much hypocrisy, so much cant and so much dissimulation as India was hit in the form of Mr. V.P. Singh during the Janata Dal Government. Now what does the FIR say? The time of the occurrence of the offences is between 1982 and 1987. Then it says, 'the source of information'. The whole nation was led to believe that the CBI under the leadership of Mr. V.P. Singh had stumbled on startling information implicating Mr. Rajiv and others. This was how the whole news was broadcast on TV in the newspapers and through the official media. But what does the FIR say? The source of information is the media reports of the Swedish National

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Audit Bureau, facts contained in the report of the Joint Parliamentary Committee and the report of the Comptroller and Auditor General of India. These were the sources of information. On this information contained in these documents this FIR was given. I would like to ask the Leader of the Honourable Opposition which portion of any of these documents contains any material which incriminates any of the accused in these documents. Let them name. Let them produce a single paragraph, a single sentence, from the National Audit Bureau's Report or from the Joint Parliamentary Committee's Report or from the Report of the CAG or from the news media which seeks to create material of an offence having been committed by the persons who were named in this FIR. And who are the persons named in this FIR? First is the Hinduja. Second, the directors of the various faceless companies whose names had been discovered by the Joint Parliamentary Committee. Third, Win Chaddha. Fourth, certain public servants. There was no material on the basis of which such an FIR under the Prevention of Corruption Act and the various provisions of the Indian Penal Code relating to corruption by public officials could be prepared. This FIR deals with these people. Madam, the contents of this FIR are to this effect and this is important: "Payment has been made by Bofors to Hinduja. Payment has also been made by Bofors to Win Chaddha. And payments were made to certain public officials." It is not as if one payment was made by Bofors and it was shared by all these people. There were three separate payments made to three separate companies connected with individuals...

SHRI DIPEN GHOSH: Is he taking a class of his party MPs that he is addressing that side? He must address the Chair.

SHRI MADAN BHATIA: Now I am on an important point. They are talking about the truth...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Let me tell you about the shortage of time. The Leader of the House has said that he is taking the Congress Party's time...

SHRI DIPEN GHOSH: We want to know whether he will take the time of intervention by the Ministers. He can consume the entire time of his party but...

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): As I said, the Congress Party has 2 hrs. 15 minutes. Mr. Bhatia has taken about 35 minutes. The Leader of the House has said that it is the time of the Congress Party. Now, he knows what he is saying.

SHRI DIPEN GHOSH: If he takes the time of his party, let him take it. Then we can go and have a cup of tea.

SHRI MADAN BHATIA: After this what step was taken by the Janata Dal Government? The Janata Dal Government sends a letter rogatory to Switzerland and the Swiss court finds, the appellate court finds, that this letter rogatory has been interpolated. A judicial document issued by the Magistrate was interpolated by a team consisting of officers belonging to the CBI, consisting of officers belonging to the Prime Minister's Office, and consisting of the Additional Solicitor-General at that time—interpolation of the judicial document to this effect that the whole investigation was dragged. It is a matter of shame for this country that a foreign country finds that a judicial document has been interpolated. It is for this reason that they refused to entertain that letter of request. It is because of this reason that the appeals are now pending in the appellate court in Geneva. It is because of that Government and their actions that the matter has not been expedited. I am asking them: What else, apart from this, was done by the Janata Dal Government? The statement of 31st December, this FIR, which is nothing but trash, registered on 23rd January and third, the interpolated letter of request, were sent to Switzerland for the purpose of opening the bank accounts. Apart from that, let them name any concrete step which was taken by the Janata Dal Government in the matter of investigating into this matter and I shall

resign my seat...*(Interruptions)*...The third period is relating to the Government led by Mr. Chandra Shekhar...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): How long are you going to take?

SHRI MADAN BHATIA: Only two minutes, Madam...*(Interruptions)*...I am coming to the fourth period now.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Mr. Bhatia, are you aware that this time includes the time of the Ministers including the Prime Minister?

SHRI MADAN BHATIA: Madam, I am only submitting this: I am coming to Mr. Chandra Shekhar. I have great respect for that leader. He is a leader free from rancour; he is a leader free from vindictiveness; he is a leader who has courage of conviction; and he is a leader who speaks out his mind irrespective of what effect it will have on the minds of others. It was he who made the most correct statement and it was that investigation into a criminal offence is the function of the investigating agency and the police and not of the Prime Minister. I am only respectfully submitting that what happened during the period of the Janata Dal Government was nothing but a total perversion of the criminal law. The Prime Minister took it in his own hands to settle his scores with Mr. Rajiv Gandhi, in order to fabricate a case against him by threat and he gave directions, directives, and instructions to the investigating agency in order to implicate him...*(Interruptions)*...This was a total perversion of the criminal law. During the period of Mr. Chandra Shekhar, when the matter was pending in the Supreme Court and the Swiss Court, they said that since the matter was pending and the legality of the request was under challenge, they could not take further action and, ultimately, in August 1991, the Supreme Court dismisses, reverses the judgement of the Delhi High Court and the facts are clear now. After that, this Government springs into action and here is the statement. I would like to

ask the honorable Members on the other side what else this Government could do than what has been stated in this statement made by the honourable Defence Minister. Every possible step which could be taken, either in Sweden or in Switzerland, has been taken. Every possible step which could be taken in the Supreme Court or could be taken in the Delhi High Court has been taken by this Government. Therefore, I am respectfully submitting that for this purpose, I congratulate the CBI for the manner in which, under the direction of this Government which is committed to finding out the truth, is proceeding in this matter of investigation.

Lastly, Madam—I have finished now—I would like to make one submission.

Madam, under the criminal law, there is no such thing as absolute truth. Truth is not what an investigating agency finds. Truth is what is established in the court of law...*(Interruptions)*...When we talk of truth, let us not forget that no court, no tribunal, is competent to go into the question of finding out the truth against the man who is dead and who is not in a position to defend himself. Leave out Rajiv Gandhi and then what remains of the Bofors? Only Win Chadhas and the Hinduja. What is the crime committed by the Hinduja? They are non-resident Indians. So far as Mr. Win Chadha is concerned, the only offence that could possibly be imputed to him is violation of the Income-tax Law and the FERA provisions and nothing else.

Madam, for centuries and ages together, India will remember the contribution which was made by Mr. Rajiv Gandhi...*(Interruptions)*...to the building up of India. Independent India has produced three martyrs and two martyrs belong to the same family—the mother and the son, who were assassinated within a period of less than seven years.

And they laid down their lives so that India should live, India should live as a strong, stable and united India. They are the martyrs...*(Interruptions)* Let us not tarnish their memory by raking up this issue again and again. Let us respect the

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memory of Rajiv Gandhi. I feel anguished over what is happening to the members of the family of Rajiv Gandhi if they come to know that this is the nation for which Mr. Rajiv Gandhi laid down his life, his mother laid down her life—a nation for which both of them became martyrs—and its representatives, in order to gain petty political gains, are indulging in this political pettiness of raking up issues which are dead and from which they get nothing but shame.

Thank you.

SHRI DIPEN GHOSH: Madam, Vice-Chairman, I heard with rapt attention to my hon. colleague, Shri Krishna Kumar while he was reading out his statement. I also heard the theatrics indulged in, as if in a Roman amphitheatre, by my colleague and lawyer, Shri Madan Bhatia. But, unfortunately, neither the gentlemanly statement given by Mr. Krishna Kumar nor the theatrics of Mr. Madan Bhatia could get us at the truth because, Madam, there was an attempt to bury the truth but the truth refuses to be buried and it is surfacing every time again and again. Madam there has been an attempt on the part of the hon. Minister, Mr. Krishna Kumar, to carry home that the Government of India, and for that matter, the CBI, under the very able leadership of Mrs. Margaret Alva, has been pursuing the case vigorously, trying to get at the truth. But Madam, his statement conceals more than what it reveals, because, Madam, I want to put a straight question to my hon. friend and colleague and Minister, Mr. Krishna Kumar, whether the gentleman named Mr. Chandulal Chandrakar, spokesman of AICC, official spokesman of the ruling party, had gone on record saying that the pursuit of kickbacks trail on Bofors is tantamount to wastage of public money. You are speaking on behalf of the Government, and he spoke on behalf of the ruling party. Just now, Madam, Mr. Krishna Kumar has stated that Mr. Chidambaram is likely to intervene in the debate or the discussion. Was it the same person, Mr. Chidambaram, who is going to intervene in this discussion, who had very recently said that the Bofors investigation should be closed as a mark of respect to the memory of Rajiv Gandhi?

What will he intervene. While intervening what would he say? Yes, the Government is very much pursuing the case vigorously which he wanted to be closed as a mark of respect to the memory of Rajiv Gandhi?

Madam Vice-Chairman, until recently, Mr. Ghulam Nabi Azad was present here. He is no longer in the House. He is still a member of the Cabinet, the Cabinet of the Government which Mr. Krishna Kumar had stated has been vigorously pursuing the case. Recently, Mr. Ghulam Nabi Azad stated that pursuing of this case is immoral. So, I want to know this. The spokesman of the ruling party says that the pursuit of this case amounts to wastage of public money. A Minister who has been declared to intervene in this discussion today had stated that this case should have been closed as a mark of respect to the memory of Rajiv Gandhi. A member of the Cabinet of this Government said that the continuation of this case was immoral. And yet, here is a Minister, Mr. Krishna Kumar, a very honourable person—I know, Mr. Krishna Kumar is an honourable person; he has not taken a single pie.

SHRI S. KRISHNA KUMAR: Thank you.

SHRIMATI MARGARET ALVA: Now, we are taking certificates from you.

SHRI DIPEN GHOSH: He has not taken a single pie. He is a very honourable person.

SHRI SUBRAMANIAN SWAMY: Even from the Soviet Union.

SHRI DIPEN GHOSH: Yes, not from the KGB or from the Harvard University without giving any lecture, sitting here in the Rajya Sabha, giving lectures in the Rajya Sabha and holding a Chair at the Harvard and getting money in dollars, in hard currency. Very good.

SHRI SUBRAMANIAN SWAMY: That is not Moscow University.

SHRI DIPEN GHOSH: Madam Vice-

Chairman, there has been a systematic attempt on the part of the successive Congress Governments, not only the Rajiv Gandhi Government or the Narasimha Rao Government, but even earlier also—what happened to the Nagarwala case? What happened to 'Kissa Kursi Ka' case? What happened to certain other cases?—there has been a consistent attempt on the part of the successive Congress Governments to ensure that no serious probe is undertaken whenever a high or mighty is involved.

SHRI R.K. DHAWAN: I challenge your statement. You are not aware of the facts of what happened to the 'Kissa Kursi Ka' case.

SHRI DIPEN GHOSH: I know it.

SHRI R.K. DHAWAN: Do you know the details of the 'Kissa Kursi Ka' case? Do you know the judgment of the case? What are you trying to say? (*Interruptions*)

SHRI DIPEN GHOSH: I know it...

SHRI R.K. DHAWAN: I have dealt with the 'Kissa Kursi Ka' case. I was involved. My name was there. What are you talking about the 'Kissa Kursi Ka' case? (*Interruptions*)

SHRI DIPEN GHOSH: So, Madam...

SHRI R.K. DHAWAN: About the Nagarwala case, the Government of Mr. Morarji Desai, of which you were a supporter, appointed a Commission. And what are the findings of that Commission? Are you aware of it?

SHRI DIPEN GHOSH: I know it. Why are you getting angry?

SHRI R.K. DHAWAN: About the Nagarwala case and the 'Kissa Kursi Ka' case, you know nothing. Don't say a wrong thing. I will not allow you to say a wrong thing. (*Interruptions*) About Bofors, you say whatever you want to say. But don't talk of a case about which you know nothing. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): There would not be any interruptions.

SHRI P. SHIV SHANKER (Gujarat): The point is that my friend has referred to two cases...

SHRI R.K. DHAWAN: I challenge him on this.

SHRI P. SHIV SHANKER:.... Which have been finally settled by the verdicts of the court. And there it has been held that the Government or the officials are not responsible for that. Why should he make a reference?

SHRI R.K. DHAWAN: They were settled by the courts. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): He is continuing. He is accepting it. He is accepting it; it is already settled.

SHRI MADAN BHATIA: I know this case, and...

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Mr. Bhatia, he has already accepted it; it is settled.

SHRI DIPEN GHOSH: It is not necessarily only the successive Congress governments who attempted to bury the truth; but the Congress governments had certain friends also. We had even heard that when late Rajiv Gandhi and Congress-I supported, Mr. Chandra Shekhar was installed in the office of Prime Minister, he wanted the Bofors investigation to be left to a sub inspector of police. We know it. My friend, Dr. Subramanian Swamy is here. He was the Law Minister at that time. What did he say? Even he defended publicly that a Government Law Officer can also plead on behalf of the opposite party in the same case... (*Interruptions*).

SHRI SUBRAMANIAN SWAMY: No, I never said that. This is a typical case of Communist disinformation. I want to put it on record, because some of his colleagues raised it in the Lok Sabha where I cannot defend myself. The fact of the matter is that the Additional Solicitor General, Mr. Thulsi made a particular statement. He was not

[Shri Subramanian Swamy] representing the CBI. The CBI Director or whoever it was—probably it was the Joint Director, Mr. Madhavan got up in the court and started abusing the Additional Solicitor General, and I objected to an officer of the Government going in court and making a spectacle of himself, and for the record, I had to afterwards remove Mr. Thulsi in the case and gave it to Mr. Anand Devagiri. The issue was not whether what Mr. Thulsi said was right or wrong. I never raised any issue on that. But I objected to Mr. Madhavan having dinner with Mr. Gurumurthy in the night, going to the court and attacking the Additional Solicitor General. This is what I objected...

SHRI V. GOPALSAMY: Mr. Madhavan could not defend himself.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): I will look into the record.

SHRI SUBRAMANIAN SWAMY: That was the issue. Officers had begun aligning themselves with politicians, and I did not want that to happen. Therefore, there was never a question of my saying that my Additional Solicitor General would plead the other case. This is the disinformation that they are doing, because I know many things how they are involved in Bofors. When my turn comes to speak, I will tell them how they are also involved in Bofors.

SHRI DIPEN GHOSH: At least I am thankful to Dr. Subramanian Swamy that he has admitted what he did in pulling Mr. Madhavan back...

SHRI SUBRAMANIAN SWAMY: No, I never pulled Mr. Madhavan back; he continued to be there...

SHRI DIPEN GHOSH: Madam, I am not yielding.

SHRI SUBRAMANIAN SWAMY: Then ask him not to say anything.

SHRI DIPEN GHOSH: I can quote from the Statesman report dated December 1991.

SHRI SUBRAMANIAN SWAMY: Yes, you read.

SHRI SHABBIR AHMAD SALARIA

(Jammu and Kashmir): How is all this relevant?

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Surely when you speak, Dr. Subramanian Swamy, you may reply to all this.

SHRI SUBRAMANIAN SWAMY: I want to deal with the substantive issue; I do not want to deal with this trivia. He is saying that I removed Madhavan from the case. I never removed him. He continued there. The only person was Mr. Thulsi. This is the kind of Communist disinformation.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): May I appeal to you, Mr. Ghosh. If anything is said about some hon. Member who is here, then he will have to reply. Why don't you just keep to the subject?

SHRI DIPEN GHOSH: I said even the Congress Government had friends in trying to, or attempting to bury the truth, and that is why I referred to the fact that during Chandra Shekhar Government, it was the then Prime Minister who stated publicly that the Bofors investigation should be left to a sub inspector of police.

The then Law Minister, Dr. Subramanian Swamy, had threatened Mr. Madhavan to take action because Madhavan had got the courage to appear before the Court and say that defending lawyer cannot defend a prosecuting lawyer.

SHRI SUBRAMANIAN SWAMY: That again is a piece of mis-information. Mr. Thulsi was not the lawyer for Mr. Madhavan. It is a blatant for him to say like this. He was not the defending lawyer. Mr. Thulsi was not the lawyer for Mr. Madhavan. He said that Mr. Madhavan was removed. Madhavan continued till the end. Now he says that Thulsi was defending Madhavan. This also I cannot say is a , it is untruth. Why can't he concentrate on the basic issue?

*Expunged as ordered by the Chair.

SHRI DIPEN GHOSH: I am coming to the basic issue for his benefit. Mr. Solanki's episode betrays the sordid details of the latest attempt on the part of the Congress(I) Government to bury the Bofors investigation. It is unthinkable that a politician of Mr. Solanki's calibre, can accept an unsigned note from an unknown person and without reading it he can hand it over to his counterpart at Switzerland. It is all the more important because Mr. Madhavsinh Solanki had taken and handed over that letter to his counterpart when the Prime Minister himself was present in that city.

SHRI P. SHIV SHANKER: The Prime Minister was not there in Davos.

SHRI DIPEN GHOSH: He was in Switzerland.

SHRI P. SHIV SHANKER: Mr. Madhavsinh Solanki saw the Prime Minister at Zurich.

SHRI DIPEN GHOSH: But he was in Switzerland.

SHRI P. SHIV SHANKER: The Prime Minister was on way and he met him at Zurich.

SHRI DIPEN GHOSH: But without getting the clearance from the Prime Minister, the External Affairs Minister had done this job, who will believe?

SHRI S. JAIPAL REDDY: I would like to know from a senior Member like Shri Shiv Shanker as to whether the Prime Minister had not visited Davos because the meeting of the World Economic Forum was held at Davos.

SHRI P. SHIV SHANKER: He came on return. By then the letter was handed over.

SHRI MURASOLI MARAN (Tamil Nadu): After handing over the letter he met the Prime Minister.

SHRI P. SHIV SHANKER: The Prime Minister came later to Davos.

THE VICE-CHAIRMAN (SHRI MATI JAYANTHI NATARAJAN): Mr. Dipen Ghosh, you have got 7 minutes. I suggest you get on with that.

SHRI DIPEN GHOSH: Anyway, what I want to say, Mr. Shiv Shanker, you are also in the politics for a long time, you were there in the Government also for a long time...

SHRI N.K.P. SALVE (Maharashtra): He is still there.

SHRI DIPEN GHOSH: In the Government you were and now you are in the politics. Do you personally believe that a politician of Mr. Solanki's calibre received an unsigned note from an unknown person, and without reading it, would have handed it over to his counterpart at Davos? You were also the External Affairs Minister for some time.

SHRI P. SHIV SHANKER: But that is what the gentleman says.

SHRI KAMAL MORARKA: Even if he says he believes, he will be accused of low I.Q.

SHRI DIPEN GHOSH: Even a gullible would not believe it. In fact, the Solanki affair confirms our apprehension. If that piece of news was not published in the newspaper, Solanki would not have been asked by Parliament Members to reply, he would not have regretted or resigned, or would not have been sent out. So *mala fide* intention was there. Everything was kept in close cover, Parliament and the nation were kept in the dark about this sordid affair. So, Madam, whatever statement is sought to be made today by Mr. Krishna Kumar, and whatever theatrics Mr. Madan Bhatia tries to indulge in, that doesn't prove that they are very much interested in pursuing the case vigorously. The Solanki affair itself proves that. Otherwise, Mr. Solanki was not... *(Interruption)*... Any Tom, Dick or Harry. He had carried that letter and Government cannot abdicate its responsibility simply by saying that the Government has got nothing to do with the note which Mr. Solanki had carried and handed over to his counterpart at Davos, because there is collective responsibility of the Government... *(Interruptions)*... And Mr. Solanki having been made a scapegoat, now the Government comes out with a statement that it has no bearing. As long as

[Shri Dipen Ghosh]

Mr. Solanki was in office, did the Prime Minister come up with a statement saying "No"? After Mr. Solanki has resigned, the Prime Minister says in the other House that it was from one individual to another individual. Who was that individual? Everybody is an individual.

SHRI JAGESH DESAI: That means the Government is not involved in it.

SHRI DIPEN GHOSH: Mr. Solanki, when he was doing that job, when he did that job, he was not simply an individual; he was the External Affairs Minister of the Government of India.....(*Interruptions*)....

SHRI JAGESH DESAI: That act was not in the note.....(*Interruptions*)....

SHRI SHABBIR AHMAD SALARIA: He doesn't seem to be an individual also!

SHRI DIPEN GHOSH: So, there must be collective responsibility of the Cabinet functioning.(*Interruptions*)....

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Let him complete.(*Interruptions*)....

SHRI SYED SIBTEY RAZI: Again and again he is repeating "collective responsibility." Collective responsibility comes in policy matters only. He is trying to drag the issue.(*Interruptions*)....

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): No interruptions, please. Let him complete, Mr. Syed Sibtey Razi. Please sit down.

SHRI SYED SIBTEY RAZI: It is in policy matters only. He is trying to drag the issue.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): He is entitled to his opinion. Please sit down. He is entitled to say what he thinks.(*Interruptions*).... No, Mr. Jagesh Desai, no interruptions. Please sit down.(*Interruptions*)....

PROF. SAURIN BHATTACHARYA: Is "collective responsibility" unparliamentary?

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Let him complete now.

SHRI DIPEN GHOSH: Madam Vice-Chairman, I am speaking on the statement because Mr. Krishna Kumar, after completing the statement, says that the Government has no bearing with that note. In the other House the Prime Minister had stated that it was from one individual to another individual. I say, when that note was carried by an individual, he was not merely an individual but he was the External Affairs Minister of our country.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): You have to conclude now.

SHRI DIPEN GHOSH: I am going to conclude.

So that way, the Government cannot abdicate its responsibility. Today they are coming out, but they would not have come out if the thing did not come out in the press and if the Members of Parliament did not press for it.

Madam Vice-Chairman, I am not a lawyer...

SHRI SYED SIBTEY RAZI: Thank God!

SHRI DIPEN GHOSH: ...nor a pettifogger, like a friend of mine on the other side. I want to pose this question, Madam, and I hope Mr. Krishna Kumar will reply categorically.

PROF. SAURIN BHATTACHARYA: If he replies!

SHRI DIPEN GHOSH: There is a provision in the Indian Penal Code. Mr. Madan Bhatia will bear with me; if I am wrong, you please rectify me. There is a provision in the Indian Penal Code relating to obstruction of justice. Madam, you are also aware of it because you are also a lawyer. Any attempt to interfere with the progress of a criminal investigation brings the offender within the mischief of section 186 read with section 217 of the Indian Penal Code. Am I correct, Mr. Salve?

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Please conclude now.

SHRI DIPEN GHOSH: Madam, I am concluding. I am putting questions.

I am inclined to accept this statement of Mr. Krishna Kumar at its face value that they are seriously interested in getting at the truth, that they are vigorously pursuing the case. That is why I am putting a question. Is the Government prepared to prosecute those including Mr. Solanki who tried to influence our lawyers abroad to lose interest in the case because it is individual to individual according to the Prime Minister? If one individual, whoever he or she may be, tries to obstruct the process of justice, according to provision of the Indian Penal Code under section 186 read with section 217, that individual can be prosecuted. So, will that individual and all these individuals including Mr. Solanki be prosecuted by the Government? If the Government prosecutes them, then alone I can take it that, Yes, the Government is sincere to pursue vigorously this case.

[The Deputy Chairman In The Chair]

Secondly, Madam Deputy Chairman, my second question is this. In the order of August 27, 1991 the Supreme Court held, "The CBI FIR is valid. The Letters Rogatory are valid, and the investigation may proceed according to law." The Minister has also admitted it in his statement. So, in that background, in the context of this Supreme Court order, Mr. Salve will bear with me at least, if not Mr. Madan Bhatia, whoever has tried to stall the investigation or attempted to stall the investigation is liable to be prosecuted for contempt of the Supreme Court.

SHRI N.K.P. SALVE: Very far-fetched.

SHRI DIPEN GHOSH: Therefore, will the Government file a contempt case against them?

Third, Mr. Madan Bhatia quoted one article. I still say that I am not a lawyer or a pettifogger.

SHRI N.K.P. SALVE: You are doing the work of both.

SHRI VISHVJIT P. SINGH: You should not use that expression.

THE DEPUTY CHAIRMAN: What is the expression?

SHRI VISHVJIT P. SINGH: "Pettifogger."

SHRI DIPEN GHOSH: What does it mean? Is it unparliamentary?

SHRI VISHVJIT P. SINGH: I have objection to this.

THE DEPUTY CHAIRMAN: What expression?

SHRI MADAN BHATIA: I gave respect to every hon. Member.

SHRI DIPEN GHOSH: Is it unparliamentary?

THE DEPUTY CHAIRMAN: What expression? I did not hear it.

SHRI MADAN BHATIA: I never used any personal derogatory remark against any hon. Member of this House. For me every Member of this House is an hon. Member.

SHRI DIPEN GHOSH: I have not attributed it to any Member. I have said, "I am neither a lawyer nor a pettifogger."

SHRI MADAN BHATIA: Every time Mr. Dipen Ghosh stands up, he only makes personal remarks and nothing else. This only shows the from which he has emerged. That is all.

SHRI DIPEN GHOSH: I quote from Article 139A of the Constitution of India, regarding transfer of certain cases, under which the Supreme Court is entitled to seek transfer, or even the

".....the Supreme Court is satisfied on its own motion or on an application made by the Attorney-General of India or by a party to any such case that such questions are substantial questions of general importance the Supreme Court may withdraw the case or cases pending before the High Court..."

The case can be transferred to the Supreme Court, or the Supreme Court can be itself *suo motu* get the case transferred, or the Attorney-General or the party concerned can seek permission of the Supreme Court to transfer the

*Expunged as ordered by the Chair.

[Shri Dipen Ghosh] case to the Supreme Court. Since there was an order of the Supreme Court and after that Mr. Chadha had filed a petition in the Delhi High Court as it was admitted....(*Time bell rings*)

I am concluding with this sentence only. My charge is that the CBI or, for that matter, the Government did not advise the Attorney-General to seek permission of the Supreme Court or the Delhi High Court for transfer of the case to the Supreme Court to be heard together. (*Interruptions*)

THE DEPUTY CHAIRMAN: Now, Mr. Dipen Ghosh, will you please conclude? I have other names. You are only the fourth in the list.

SHRI DIPEN GHOSH: When Mr. Krishna Kumar has shown interest and said that the Government is vigorously pursuing the case, I would like to know whether the Government is now prepared to take recourse to Article 139(a) of the Constitution and thereby advise the Attorney-General to seek permission for transferring the Win Chadha's case to Supreme Court. I would like specific answers on these three questions from the Minister who will be replying to this discussion.

SHRI P. UPENDRA (Andhra Pradesh): Madam, this is my maiden speech in my new role as a non-aligned Member of this House.

THE DEPUTY CHAIRMAN: I never knew Mr. Upendra became a maiden suddenly.

SHRI P. UPENDRA: This is my maiden speech in my new role. I will take very less time.

This controversy regarding Bofors has been going on for the last five years. Probably several hundred hours have been spent in discussing this, but the end of the tunnel is still not in sight. It is a fact that this House was misled on many occasions. (*Interruptions*).

There were panicky reactions at several stages. An election was fought purely on this issue in 1989 and the National Front came to power along with its allies principally on this. (*Interruptions*) But, Madam, I am sorry to say that the Congress Members are justified in saying that the promise held out by the National Front that the truth will be unravelled in

the minimum possible time was not kept. I was a Member of the Cabinet. I am on oath. I should not say much, but I should admit that Government could not fulfil its promise of unravelling the truth in the time promised. And there were also attempts to sabotage the inquiry. I do not want to name any particular individual.

SHRI SUBRAMANIAN SWAMY: Because there was an oversized individual there as a Minister.

SHRI P. UPENDRA: We were also preoccupied with other issues and probably Bofors had gone to the background. Probably it was also felt that giving priority to that item would mean witch-hunting, and therefore, we should go slow on that. Whatever may be the reasons, in the eleven months some progress was made in unravelling certain accounts and also for filing certain cases. There were occasions when the Chairman of the National Front expressed...

SHRI S. JAIPAL REDDY: If Mr. Upendra, who has assumed a new incarnation yields, may I submit?

SHRI P. UPENDRA: No. I was a Member of the Cabinet and you were not. I know more than you.

THE DEPUTY CHAIRMAN: He admitted that it is his maiden speech. (*Interruptions*)

SHRI P. UPENDRA: I am not accusing anybody, but I also share the responsibility. I was also the Information Minister and I knew what was happening. There is no point in accusing a Government which has just come in that they are shielding. (*Interruptions*) Mr. Solanki has committed a grave indiscretion. There is no doubt about it. The Prime Minister himself has said he has caused a grave
5.00 P.M. embarrassment to the Government and he has paid for it. I must compliment the Prime Minister in sacrificing one of his closest colleagues in the shortest possible time and you cannot blame the Prime Minister for taking that action. ...(*Interruptions*)...

But I must criticise the Defence Minister in saying that no copy of Mr. Solanki's note was available. But today's *Indian Express* carried the full text and

he should owe an explanation to the House from where this full text has come.

I must compliment the *Indian Express*, Mrs. Chitra Subramaniam particularly for bringing out the truth as usual in this case. The Prime Minister said repeatedly that it was a note passed on from one individual to another. We have to take it on its face value ...*(Interruptions)*... The whole Cabinet cannot be held responsible for the indiscretion of one Minister. He has paid for it and it is not a note sent from the Cabinet side.

Then the Prime Minister also said ...*(Interruptions)*... I can equally argue your case also.

SHRI S. JAIPAL REDDY : What a wonderful idea? ...*(Interruptions)*... Madam, this time Mr. Madan Bhatia should be replaced by Mr. Upendra for nomination to the Rajya Sabha. He can defend the Congress (I) with greater dexterity ...*(Interruptions)*...

SHRI P. UPENDRA : I am non-aligned. I am giving you the truth. I am giving left and right. If anybody takes objection, I cannot help it ...*(Interruptions)*...

THE DEPUTY CHAIRMAN : He is non-aligned in spite of you being his neighbour.

SHRI S. JAIPAL REDDY : You are not non-aligned. You are aligned to the Congress (I). That is all ...*(Interruptions)*... I charge that ...*(Interruptions)*... morally. I charge that you are aligned to the Congress (I).

डा० रत्नाकर पाण्डेय : जयपाल रेड्डी जी, आपका जन्म कांग्रेस में हुआ है और विश्वनाथ प्रताप सिंह इस चरित्र का आदमी है कि एक दिन आपको भी अलग होना पड़ेगा वहां से।

SHRI S. JAIPAL REDDY : I am proud to have been born in the Congress. I am proud never to have belonged to the Congress (I).

डा० रत्नाकर पाण्डेय : लेकिन आप भटक गए विश्वनाथ प्रताप सिंह के चरित्र के कारण ...*(व्यवधान)*

THE DEPUTY CHAIRMAN : Let us not derail ourselves. Mr. Upendra, if you can stick to the points, I will be thankful.

SHRI P. UPENDRA : I will take only two minutes ...*(Interruptions)*... I was criticising the earlier Government ...*(Interruptions)*... the way the House was mislead. I am only complimenting the present Prime Minister ...*(Interruptions)*... It is a fact which is known in their hearts ...*(Interruptions)*... Mr. Jaipal Reddy himself praised the Prime Minister for taking prompt action and I am doing the same thing. Why should he take offence for that? ...*(Interruptions)*...

SHRI MURASOLI MARAN : The Telugu Pride, Madam.

SHRI P. UPENDRA : I am proud of him ...*(Interruptions)*... The Prime Minister said that he does not want his Government to work under a shadow. I take his word for that. I am sure he is an honest and sincere man. I am sure in his time the Truth of the Bofors will come out and the guilt will be punished. But I would caution them that if Hinduja and Win Chadhas are still controlling his Ministers, he must be careful about his own Ministers; otherwise his reputation also will go down. Therefore, I would request the Prime Minister to be cautious about the influence of those companies and money bags ...*(Interruptions)*... I again compliment the Prime Minister for his prompt action and I think he will bring out the truth in his time.

SHRIMATI MARGARET ALVA : Madam Deputy Chairman, for five years almost to date since April, 1987 we have been discussing the Bofors issue in both Houses of Parliament and outside and perhaps also abroad because I must today say that I had an experience at a meeting with fellow Members of Parliament of Sweden when they said to me "We are surprised. This is for the first time that we have come across Indian leaders of the Opposition coming to us and offering anything we want to be able to get information as far as the Bofors deal is concerned." Then, Mr. Rajiv Gandhi was still the Prime Minister. They were trying to get information from Sweden and were sitting for days and months abroad trying to find what they thought they were looking for.

Madam, a number of questions have been raised today which have been raised

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before, which have been answered, which really should have by now been closed. But every opportunity is sought to point a finger at and to project the Congress party and the Congress Government as corrupt, not sincere, not wanting to get to the truth while they, sitting on the other side, are the only ones with a conscience, the only ones wanting to know the truth and the only ones capable of finding the truth. Madam, I would like to ask this. This has been asked by our Members earlier. You had the opportunity. For 11 months you were led by the leader who promised at every election meeting that he had the names in his pocket, that he had the names on his mini-computer and the day he became the Prime Minister, the day he was brought in, he would reveal it all and place before the country, the names of those who were guilty. For 11 months he was there. Everything was in his hands. The very CBI that you are now condemning was his instrument. It was in his hands. He had all the money, all the opportunity, all the power. What happened? Why did he not find the truth? Why did he not bring it before Parliament? Were Rajiv Gandhi and the Congress party, sitting in the Opposition, stopping him from inquiring? What went wrong? Why did he not come out with the truth, if he was sincere, if he was capable of doing it and if there was something to reveal? Why did he not do it? (*Interruptions*). And then, today, sitting in the Opposition again, the same people come back and say that the Congress is guilty, that the Congress is hiding the truth. I would like you to tell us what you tried to hide over those 11 months. (*Interruption*).

SHRI S. JAIPAL REDDY: If you yield, I will tell you.

SHRIMATI MARGARET ALVA: I am not yielding.

SHRI S. JAIPAL REDDY: I will tell you what earth-shaking records were set up.

SHRIMATI MARGARET ALVA: Madam, when the Leader of the Opposition spoke, I did not interrupt.

SHRI SUBRAMANIAN SWAMY: They had problems with Arun Nehru. How could they find out the truth?

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, when you were speaking, I am sure, Mrs. Alva did not disturb you. So let her make her points. I am sure you are not going to agree with them.

SHRI S. JAIPAL REDDY: Madam, she intervened and I yielded.

SHRIMATI MARGARET ALVA: He has said all he had to say. I am answering his questions.

SHRI S. JAIPAL REDDY: With regard to the NF Government regime, I am prepared to answer.

THE DEPUTY CHAIRMAN: Afterwards, there will be some other Members to speak. They will take care of it. (*Interruptions*).

SHRIMATI MARGARET ALVA: The hon. Leader of the Opposition started by speaking about the skeleton which was found outside the Bofors factory. Madam, he went on to quote no less a man than Prithvi Nandi saying that he had revealed that RAW was reporting to the Prime Minister's office repeatedly, that Ministers had been meddling in the Bofors investigations and that the Prime Minister knew about it and he had been keeping quiet. Madam, his source is Prithvi Nandi. I do not need to say more about it. But I would like to ask him this. Repeatedly, newspaper reports from abroad have been quoted. We are talking about a paper which carried a report in February, again carrying the name of our late leader Rajiv Gandhi and that this Anderson has said this and that and the other. We were asked what our reaction was. Madam, I would like to tell you that we did inquire through the CBI about the sources of the information as far as Mr. Anderson was concerned and he said, "My sources are not to be disclosed. They are undisclosed sources and I have said what I have to say." But I would like this hon. House to remember that this Mr. Anderson is the same man who earlier had come out with reports in his paper, was taken to court, was charged with defamation, submitted in the court that he had been

misled by certain officers of the Indian Government, was made to pay damages and publicly admitted that he had made a mistake and apologised. The same Mr. Anderson is now being quoted to us one year later or two years later and we have been asked to react to everything he says. Do you want me to give him any credibility after the record which has been exposed in a court of law, not in India—not manipulated by us like you would like to say—but in a British court of law? And yet you insist that these are going to be reports on which you are going to condemn us. Are you going to condemn anybody and everybody whom he mentioned? Is this the level of public life that we are setting for ourselves? This is what I would like to ask you.

A number of questions have been raised. But, I suppose, many of them will be answered by my very able colleague, Mr. Chidambaram, who is here now, as well as by the Minister of State for Defence. But there are two or three questions which have been directly referred to me. I have literally been called the CBI Minister, who is meddling in things and trying to slow it down. Well, I would like to answer a few of these questions. It has been said very unfortunately that Mr. R.C. Sharma, is a relation of a particular family. Well, I think, it is very unfair. If an officer has a Kashmiri wife, it does not mean that that Kashmiri wife is related to every Kashmiri family that is somewhere in Delhi or anywhere else. Just because his wife happens to be a Kashmiri, we are told that he has links with a particular family and therefore, he is biased. Shall I use the same word that you have been using repeatedly for petty, petty? I think, we are coming down to very petty relationships. (*Interruptions*)

SHRI R.K. DHAWAN: Mr. R.C. Sharma is the same officer whom Mr. Morarji Desai and his Government had employed for all the cases against Mrs. Gandhi and her colleagues.

SHRIMATI MARGARET ALVA: Anyway, I do not wish to go more into relationships. But the matter that has been raised is that I have very carefully

dismantled the CBI team which had been so carefully put together by Mr. V.P. Singh and by Mr Bhure Lal. Madam, I would like to point out what the facts are. In fact, Dr. Jain charged that I had misled the House yesterday—the Lok Sabha—when I said that one of the officers had requested to be repatriated because his promotion was due while the junior officers were superseding him because he was not able to go back to the State cadre and get his promotion and it was on his request dated 11th September, 1991—it is on the file, on record, it is not a letter of today—that he was relieved and he has gone back to the post which he wanted. The other name, that is being repeatedly mentioned, is the name of Mr. Madhavan. In fact, Mr. Subramanian Swamy said something. You have said something. A lot of things have been said. I am not going into the controversy. I am only pointing out that it was not us but it was the V.P. Singh Government itself who in May 1990—May 1990 is a long time after we were out, a long time after you were in and a long time before of course, we even thought of coming back—at that time, in May 1990, he was posted as a Joint Director against the vacancy of the Economic Offences wing. He was appointed by the V.P. Singh Government to that post but was asked also to look after Bofors for the present because they needed extra people to chase it as they were very keen on chasing it and therefore, he continued and we did not touch Mr. Madhavan. We came back and he was there throughout. Neither the Chandra Shekhar Government, nor us, shifted him. It was after August when the Supreme Court judgement came, when the FIR was upheld, when the real day-to-day chase in the court had ended, he went on two months' leave and when he came back, it was after talking to him and working out the arrangements because there were two Joint Directors, that he was sent to his post. In the meantime, the other officer had also been promoted and instead of having two people at the same level, he was allowed to go to the post to which the V.P. Singh Government had posted him in May 1990. The other person who was there, was also due for promotion and was promoted. But I would like to

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make it clear that the original team, which you said I have dismantled, is still very much intact. It is the supervisory officers that have moved up because one has been promoted. The other has gone to the other post. But the other team, which has been there from the beginning—the investigating team—there is a difference between the supervisory team and the investigating team, the investigating team consisting of Mr. R.N. Singh, Mr. A.K. Malhotra and Mr. Umesh—all are continuing to do what they were doing right from the days of Mr. V.P. Singh.

Madam, I would like to point out that our Prime Minister has been very, very clear that just because of a change of Government he is not going to throw Governors out, not going to throw officers out and not going to throw people in and out as they did the moment they came to power. He has not touched a single Governor. The Governors appointed by the opposition Government have not been touched. We have not moved and shunted the people around.

SHRI SUBRAMANIAN SWAMY:
Some need to be sent away.

SHRIMATI MARGARET ALVA:
Many need to be sent away. But the Prime Minister has been insisting that we have to strengthen the institutions and not go for individuals. Therefore, I today here very strongly object to the insinuations that have been made. I am not the Minister in charge. It is the Prime Minister who is in charge of this Department of CBI and it is he who has been insisting that there should not be victimisation or politicisation of officers by moving them here and there by the Government. Therefore, I hope this controversy about Madhavan and company is once and for all settled. I also want to say that the CBI investigates any number of cases and we cannot have just two people waiting for Bofors to go on and on and not do anything else. Every month more and more cases are coming in. Economic offences have to be dealt with. We have got to rationalise and see the people there are doing jobs which are allotted to them. But I can assure you that in spite of all that has been stated here, the CBI team has been doing their best, has been working beyond its hours

to get to the truth and to be able to carry on their work both abroad and in India. I am asked, "Why was Mr. Malhotra sent? Why not so and so?" You like Mr. Madhavan's name. Somebody likes somebody else's name. Somebody else thinks one officer is even more brilliant than the other. We are not going by individuals. The question was that Mr. Malhotra was going to London and he was asked to go to Sweden and follow up the matter and see what had to be discussed and discuss it. He was part of the team and he was one of the officers. You may like one name. It doesn't mean that because you like his name everybody in the country must only deal with that one officer and not with anybody else. How can I run an administration that way? Mr. Madhavan doesn't have a magic wand that he could change the laws and the rules of the court, our investigation in Sweden, our investigation in Switzerland and turn black into white and white into black that you want him to do. I would like to say here one thing. The normal course of investigation is to move by investigating towards finding who is responsible, who is guilty, who is the culprit. Whereas what we have seen over the five years is that you have made up your mind that somebody is guilty; you have made up your mind that somebody has to be held responsible for this and you have been finding every possible way you can to come to the point that you can prove that the man you said was guilty is guilty. Instead of going from one to the other you are trying to come down. This is where I can tell you that you have taken this country for a ride. You won an election on disinformation. You ran a Government on disinformation. You have to make Rajiv Gandhi the target of your political disinformation. (*Interruptions*)... Yes, we lost the Government. But we had the courage and he as the Leader of the Opposition came to Parliament and said, "You have all the material in your hands. You are the investigating agencies. I want you to come before the Parliament and tell us the truth. I want the truth." I remember one or two occasions when I had asked him this and he had said, "the truth will be out, Margaret. Don't worry. They will have to listen some day to the

truth. The truth will come before the country." I also wish to quote here what Rajivji has said in the other House. As the Prime Minister he came to Parliament and said ...*(Interruptions)*....—this is all on record—that neither he nor any member of his family had anything to do with this. He said there and appealed, "the Congress and the Government are as interested as anyone else in finding out the truth. Let all sections of the House co-operate in this common task." This was in August 1987. We have been asking. We want to know the truth. Let me say one thing. Every single rule or procedure of functioning in every court in Switzerland and Sweden is not the same as you may know it in India. The CBI is an investigating agency. We have no powers to go there and start investigating. We have to seek co-operation; we have to ask for help; we have to get them to go along with us when we want to do something. You have also learnt it. You had eleven months. You must know what Mr. V.P. Singh did. Let me point out that during these eleven months all that he did was, besides filing an FIR, getting the accounts of AE Services frozen. What more did you do? To file Letters Rogatory which were found defective and....It took you eight months to correct those letters and put them right to be accepted. I have the dates with me. *(Interruptions)*.

SHRI S. JAIPAL REDDY: It is wrong.

SHRIMATI MARGARET ALVA: It is right. I am making this statement with full responsibility with the facts before me. Madam, the letters were filed on 7th February, 1990. They were found defective. It went on and on and finally the amended letters along with compliance note were issued on 22nd August, 1990. *(Interruptions)*.

SHRI S. JAIPAL REDDY: I request you to yield. You have made a factual error. I am reading Para 6 of the statement.

"Certain affected parties had filed appeals on 9th April, 1990 before the Cantonal Court at Geneva, against the blocking of certain accounts in

Geneva. These cases bear relation to Court cases filed in India, which I shall refer to later. The court at Geneva admitted the appeal and gave the CBI sixty days to rectify the deficiencies in the Letters Rogatory and as a provisional measure, continued the freeze on the accounts. The revised Letters Rogatory was furnished by the CBI to the Swiss authorities on 30th August 1990 which was found to be in order by the Trial Judge on 19th September, 1990."

SHRIMATI MARGARET ALVA: What I said in one sentence, he has said in one paragraph. I said, February, 1990 to August 1990. It is the same thing that you have spoken. That is all. I said that from February to August*(Interruptions)*. The letters were accepted as corrected only in August. *(Interruptions)*.

SHRI S. JAIPAL REDDY: You are not referring to the victory in Zurich Court. The Government of Mr. V.P. Singh won a case in the Cantonal Court at Zurich. It got papers transmitted. *(Interruptions)*. That is the most important thing. *(Interruptions)*.

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, in fact what Mrs. Alva is saying is August 1990. I have read it. It is 19 September, 1990.

SHRIMATI MARGARET ALVA: I am going on to the next thing. It was said repeatedly that we did nothing when we were in the Government. I want to point out that even before we went out of power, it was the Government of Shri Rajiv Gandhi which had filed the preliminary inquiry and started investigation. Besides, the MOU, (Memorandum of Understanding) with Switzerland was signed by our Government so that we would be able to cooperate and get necessary information and we could get help from them in the investigation. Therefore, to say that we have done nothing, we have tried to hide—like you have been saying—it is far from the truth. Many other issues, as far as Court proceedings and so on are concerned, will be answered by my colleague who will speak after this.

SHRI DIPEN GHOSH: In whose Government Mr. Solanki was the Minister?

SHRIMATI MARGARET ALVA: He was the Minister of our Government. The Prime Minister has said yesterday, he has come before the House. He has apologised. He has said that it was a mistake. He has resigned. I think that is the highest price a man in public life has paid.

SHRI DIPEN GHOSH: When he did it, he was the Minister of your Cabinet. You cannot abdicate the collective responsibility. *(Interruptions)*.

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, will you please restrain yourself? Please don't interrupt. It includes you also, Mr. Subramanian Swamy.

SHRI SUBRAMANIAN SWAMY: When a Minister in West Bengal resigned, Mr. Jyoti Basu did not resign.

SHRI S. JAIPAL REDDY: Mr. Subramanian and Mr. Upendra are two invisible friends in this House. *(Interruptions)*.

SHRI SUBRAMANIAN SWAMY: We are not invisible friends. *(Interruptions)*.

When it comes to communists the truth should never be sacrificed. That is what we have to remember... *(Interruptions)*.

SHRIMATI MARGARET ALVA: Madam, there were two other questions which were specifically directed to me. One is about our lawyer Mr. Marc Bonnant. It is claimed that he has been complaining to some people that he had sent 13 communications to us and that we have not replied to any of them. Madam, there has been only one enquiry which he has made. In fact, we have been feeding him with information repeatedly. There was only one enquiry which he made and that was after Ms. Chitra Subramaniam's report appeared in the *Express* on 23rd March, 1992. He asked us whether we still wanted to go ahead with the case. I can assure this House that two communications, one through the Embassy and one directly had been received and within 24 hours after receiving these specific enquiries the replies were sent. Therefore to say that

we have been silent and we have been misleading him I would say, is far from the truth. There was one more question that was asked as to why we agreed to examine Win Chadha in London. The point is both Mr. M.D. Sharma and the great Mr. Madhavan had earlier examined the Hinduja in London... *(Interruptions)*...

SHRI S. JAIPAL REDDY: She cannot refer to the officer sarcastically as the great Mr. Madhavan ... *(Interruptions)* ...

SHRIMATI MARGARET ALVA: You have been calling him so... *(Interruptions)*...

SHRI YASHWANT SINHA: Madam, whatever we may say, but it is a derogatory reference to the officer... *(Interruptions)*...

SHRIMATI MARGARET ALVA: Okay, I apologise and I am withdrawing it... I am only saying that the two officers had agreed to examine, on record, the Hinduja in London. So the court said that the same privilege could be given to Mr. Win Chadha also and the same was offered to him, but he rejected it. He was not examined abroad. Madam, I do not want to go into other details. It is said that we had been told to take advantage of the change in Government in Sweden. The Government of Sweden has specifically told us, "We were consulted earlier when the Government of Sweden took its stand and we had agreed to it and there was no reason for us now to change our stand simply because we were in power." With these words I think I have cleared all the points that were raised about the CBI's role...

SHRIMATI JAYANTHI NATARAJAN: Madam, I want to know one thing from the hon. Minister ... We would like to know how much money has been spent on sending the officers of the CBI abroad, especially. Mr. Bhure Lal...

SHRI R.K. DHAWAN: Is there any instance of somebody having gone from the PM's secretariat...

SHRIMATI MARGARET ALVA: I would like to inform the House that around Rs. 50 lakhs have been spent up till now on the investigations and this

does not include hotel and other bills. Out of this, Rs. 42 lakhs is in foreign currency. As far as the number of trips is concerned. There have been 31 trips made so far and the total number of days is 386 days. I must also mention that besides the officers of the CBI, Mr. Bhure Lal made 5 trips and Mr. Arun Jaitley made 3 trips.

SHRI S. JAIPAL REDDY: What a poor answer to a sponsored question... *(Interruptions)*

THE DEPUTY CHAIRMAN: Let her finish.

SHRIMATI MARGARET ALVA: I have no other details of what either Mr. Bhure Lal or Mr. Jaitley had done... *(Interruptions)*

DR. JINENDRA KUMAR JAIN: Madam, allow me to ask a supplementary... *(Interruptions)*

SHRIMATI MARGARET ALVA: I assure the Members that... *(Interruptions)*

THE DEPUTY CHAIRMAN: Let her finish. She is not the only person... *(Interruptions)*

DR. JINENDRA KUMAR JAIN: You allowed a sponsored question. Please allow the person who opened the debate... *(Interruptions)*

SHRIMATI JAYANTHI NATA-RAJAN: We have had enough of Dr. Jain. Madam. You better ask him to apologise... *(Interruptions)*

SHRI S.S. AHLUWALIA: It is an insult. You better tell him to withdraw his words... *(Interruptions)*

DR. JINENDRA KUMAR JAIN: Please allow me to ask a supplementary.

THE DEPUTY CHAIRMAN: There is no supplementary. There is no television programme where you can have a sponsorship. Please sit down... *(Interruptions)*

DR. JINENDRA KUMAR JAIN: The hon. Minister has informed the House...

THE DEPUTY CHAIRMAN: Please take your seat. I am not permitting anybody to interrupt... *(Interruptions)*

DR. JINENDRA KUMAR JAIN: I am not interrupting. Please listen to me.

I am asking a very relevant thing... *(Interruptions)*

THE DEPUTY CHAIRMAN: Dr. Jain... *(Interruptions)*

SHRIMATI JAYANTHI NATA-RAJAN: Let him withdraw his remark.

DR. JINENDRA KUMAR JAIN: I am asking a very relevant thing... *(Interruptions)*

उपसभापति: जयंती जी, आप भी बैठ जाइये... *(व्यवधान)* ऐसी बात मत कीजिए।

SHRI V. NARAYANASAMY: The hon. Member has every right to question. How can he say that it is a sponsored question?... *(Interruptions)*

DR. JINENDRA KUMAR JAIN: The hon. Minister has yielded... *(Interruptions)*

SHRIMATI JAYANTHI NATA-RAJAN: Let him withdraw his remark.

DR. JINENDRA KUMAR JAIN: I am not in the habit of saying something that is not relevant... *(Interruptions)*

SHRI N.K.P. SALVE: Why hasn't he withdrawn?

THE DEPUTY CHAIRMAN: He has withdrawn.

SHRIMATI JAYANTHI NATA-RAJAN: He has not withdrawn yet.

DR. JINENDRA KUMAR JAIN: O.K. Madam, whatever you say, I do it.

THE DEPUTY CHAIRMAN: Whatever I say, you will do it, then please sit down.

DR. JINENDRA KUMAR JAIN: I withdraw the words that you want me to withdraw. But my question is... *(Interruptions)* Please, let the shouting not prevail. The hon. Minister has informed the House that the valuable 50 lakhs of rupees of the Government have been spent. My question is, this is to recover how much money?

SHRIMATI MARGARET ALVA: If we know that, there is no need for an investigation... *(Interruptions)*

DR. JINENDRA KUMAR JAIN: This question is relevant. We know that certain accounts and the money with the Swiss Bank... *(Interruptions)*

उपसभापति: बैठिए... *(व्यवधान)*

DR. JINENDRA KUMAR JAIN: How much money is proposed to be ... *(Interruptions)*

THE DEPUTY CHAIRMAN: Please, order. No questions... *(Interruptions)*

DR. JINENDRA KUMAR JAIN: More than the money being spent, it is the honour of the country which is more valuable... *(Interruptions)*

THE DEPUTY CHAIRMAN: I am sorry, Dr. Jain. I cannot allow you because I am also answerable to Parliament on how much money and time we are wasting on this discussion. Please let us finish the discussion. The allotted time is 5 hours. We ought to finish within the stipulated time. There are other items of business also.

SHRIMATI MARGARET ALVA: I have finished with what I have to answer. I would like to say, therefore, that as far as the Government is concerned... *(Interruptions)*

SHRI V. GOPALSAMY: What a valuable information she has given!

THE DEPUTY CHAIRMAN: Now I am not allowing you... *(Interruptions)*

SHRI V. GOPALSAMY: May I know from the Minister about how much money was spent on Mr. Solanki's postman job... *(Interruptions)*

THE DEPUTY CHAIRMAN: No, she is not answering... *(Interruptions)*

SHRIMATI MARGARET ALVA: I think, if we stop throwing stones at each other and, like what the Prime Minister said yesterday, try to get to the truth, it would be more rewarding and more meaningful rather than acrimonious accusations at each other all the time. With these words, I say that the CBI has done its best.

SHRI YASHWANT SINHA: Madam Deputy Chairman, I wish to say right at the beginning that I do not wish to approach the subject of Bofors in a partisan spirit. Why am I saying this, I feel, whether we like it or not, whether it was intended or not, that Bofors has

become the most powerful symbol of political corruption in the whole history of independent India. And, as Mrs. Alva has said just now, if we keep on throwing darts at each other, however poisonous they may be, we will not be making progress. Let us understand one thing very clearly, that many of us on this side were also in Government for varying periods. They were in Government before that. They are in Government now. Now, the only accusation that can be levelled against all those of us who were in Government, whether the National Front or the BJP, is that we did not hasten the probe. They might have a different opinion. We might have a different opinion. You might have a different opinion. But it cannot be anybody's case in this House or anywhere that anyone of us sitting on this side is responsible for having taken bribes in Bofors. Is that the case? Is anybody on this side accused of being guilty of that? They may be only guilty of not having... *(Interruptions)*

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM): Yashwant Sinha, will you please yield for a minute?

Madam, this is a very clever statement and I am sure he has thought about it very carefully. Madam, I am reminded of an incident in the House of Commons where an honourable Member stood up and said, "Half the Members of this House are fools." Obviously there was an uproar. And then the Chair said, "You should not say half of the Members are fools. Withdraw your remark." The honourable Member said, "I am sorry, Mr. Chairman. Half the Members of this House are not fools." What does he mean by saying, "Nobody can accuse people on this side of the House of having taken bribes."? Are you implying anyone on this side of the House had taken bribes? I think that is a very unfair remark.

SHRI YASHWANT SINHA: Madam Deputy Chairman, I am sorry if my remark hurt, because it perhaps fitted...

SHRI P. SHIV SHANKER: What is this? You are making it much worse.

SHRI YASHWANT SINHA: But there is a suspicion. What is it that we are trying to get at? We are trying to get at the truth. We are trying to eliminate that suspicion...

SHRI P. CHIDAMBARAM: That is what I was saying.

SHRI YASHWANT SINHA: Yes, I was going to say that till you interrupted. If you did not have that rich experience of the British House of Commons, I would have gone on...

SHRI P. CHIDAMBARAM: You started by saying 'non-partisan' but you divided the House.

SHRI YASHWANT SINHA: No, I did not. I said we cannot be accused of having received bribes in the Bofors case. We can be accused of everything, but not that. (*interruption*) I didn't say that. No. You are concluding it because the dart pricks you. Madam, why is it necessary for us to get at the truth? We have to get at the truth because Bofors has become a hydra-headed monster. I am not bothered about individuals' reputation. Let me be very clear about it. I am bothered about the prestige, about the honour and the dignity of this country, not only here but also abroad. Is it good for us as Indians to read in foreign newspapers day in and day out that so and so has taken bribes in this case, that so and so did this in this case? Every day, every alternate day, every month, some new information surfaces, and do you think that it brings any glory, any shine, to this country? It does not, and that is why I am saying that it is as important for us, as it is important for you, as it is important for the whole country, to get at the truth. I hope that this point will not divide the House and I also hope that this House will be unanimous on this question that we should arrive at the truth.

Now, Madam Deputy Chairman, what is our suspicion, what is our complaint, and what is our grievance at this point of time? I am not interested in going into the whole history, the legal jugglery, the complications of law here and in Sweden and in the Swiss Courts, and that is for the eminent lawyers on this side or that side of the House. I am merely saying that the Bofors issue has resurfaced

powerfully because of the action of a certain Minister of this Government and it is that action which created fresh doubts in our minds. And what is that fresh doubt? Let me be very clear about it. The fresh doubt is that this Government is going slow on the Bofors investigations, that it is interested in scuttling it, that it is not interested in getting at the truth. This is the suspicion. And, Madam, how has this suspicion arisen? This suspicion has arisen because, not an ordinary Minister, but a very senior Minister, the Minister who deals with the foreign policy and the foreign affairs of this country, says inadvertently that he carried a note and gave it to his counterpart in Switzerland, without knowing what it contained, without even remembering—suddenly he is afflicted with amnesia because he does not even remember—who gave him the note, apart from the contents of the note! And then he comes—glory be to him that he came to this House and the other House—and regrets his omission and he paid his price by resigning. We would have left the matter at that. But there are other elements in this whole episode which still persist and I would raise them now so that those who will answer on behalf of the Government would be able to clear those doubts and I will be, I can tell you personally, more than satisfied if we have evidence that the Government is keen, that the Government is sincere about the expeditious disposal of this case, not only here, in whatever manner it has arisen, but also in the Swiss Courts, so that we can arrive at the truth.

Now, I have already mentioned about the action of Mr. Solanki. But there are two other important factors one is the fact that Mr. Chadha's petition, which he had filed in the Delhi High Court and which is probably still pending, has been sent across to the Swiss Government through our diplomatic channels. . . (*Interruptions*). . .

SHRI P. CHIDAMBARAM: Factually wrong. It is factually wrong. The petition was sent only to the CBI Counsel, Mr. Marc Bonnant, and that has been clarified yesterday in the Lok Sabha and today here also. The petition copy has been sent to Mr. Marc Bonnant for the

[Shri P. Chidambaram]

purpose of his information with the endorsement that no stay has been granted by the Delhi High Court.

SHRI S. JAIPAL REDDY: Why was it sent twice?

SHRI P. CHIDAMBARAM: Not twice. It was sent only once after no stay was granted. When there is no stay order, you cannot send a non-order. You sent a copy of the petition which contains that prayer and then say that this prayer has not been granted by the High Court.

SHRI S. JAIPAL REDDY: I may tell you for your information that this was sent not once, but twice, once in September. . . (Interruptions). . .

SHRI P. CHIDAMBARAM: No.

SHRI S. KRISHNA KUMAR: The statement is incorrect. A copy of Shri W.N. Chadha's petition was sent only once, on 17.9.91, by the then Joint Director, CBI, to Mr. Marc Bonnant to keep him apprised of the developments in the Indian Courts. This was asked for by Mr. Bonnant, our Counsel there. Accordingly, it was sent. The petition was not sent to the Swiss authorities or our Embassy.

SHRI S. JAIPAL REDDY: Was it sent twice or not?

SHRIMATI MARGRET ALVA: It was sent to our lawyer for clarification.

SHRI YASHWANT SINHA: Anyway, I am not bothered, whether it was sent once or twice. But the point that I was making was that Mr. Win Chadha filed a petition before the Delhi High court in a case, on a matter, which, according to the non-legal understanding of people like me—I would welcome to be corrected if I am wrong—which had already been disposed of by the Supreme Court of India. And when does he approach the High Court? The Minister in his statement said that he approached the Supreme Court on the 12th September not to pass judgment. On the 9th of September he had filed his petition before the High Court of Delhi. And the Supreme Court had since rejected his petition. But this petition of Mr. Win Chadha is lingering, is pending, before the court. And it is this petition which has been sent to the CBI lawyer in Geneva or in Berve as you say.

Now I refer to the report which was published in THE STATESMAN of 25th March. How important is the action of sending Mr. Chadha's petition? He asks this question. According to Mr. Schmid, it is this petition that is delaying the judgment. Now the question that I would like to ask, Madam Deputy Chairman, is, what has happened to this petition? How has the CBI lawyer in Berve used this petition? And why is this petition, if at all, delaying the judgment in the Swiss court? If it is delaying the judgment, then the Government has something to explain. If it is not delaying the judgment, then of course you can just clarify.

SHRI MADAN BHATIA: Let me make a correction in the statement which the hon. Member has made. In the first place, it is not correct that the Supreme Court has decide all the points and has rejected what is contained in Win Chadha's petition. The Supreme Court has only held that the person who has come before us is not an accused person, and unless there is an accused person before us, the substantive question of law cannot be decided. (Time Bell Rings). Win Chadha thereafter has filed an independent petition as an accused in the High Court. This is the position.

SHRI YASHWANT SINHA: Madam, I am not Win Chadha's lawyer. I am going only by the statement which the Minister has made. I am raising a doubt.

SHRI MADAN BHATIA: I am practising. Therefore, this is the information that I . . . (Interruptions)

SHRI YASHWANT SINHA: I am conceding your enormous knowledge of law—certainly much more than I can ever claim in this life—and also your experience as you are in day-to-day in touch with courts. I am not in day-to-day touch with courts. The point I was making is that I would like to be briefed about it. One, as I said, is the former Foreign Minister's action from which the Government has now distanced itself. They have sacrificed one Minister. What happens to the whole concept of collective responsibility is for them to

judge and the people of India to judge. The second was sending of Win Chadha's petition which, according to newspaper reports is not based on hearsay but written by somebody who had gone across to Switzerland; so this is something which is delaying the decision on in the Swiss Court.

The third, Madam Deputy Chairman, was the transfer of officials from the CBI, two of the officers. And we had pointed this out earlier also. It has been explained. Even the CBI came out with a Press statement explaining how it happened, the circumstances in which it happened. Now, I have been a civil servant myself, and I have some idea how transfers and postings in Government take place. But I can tell you, Madam Deputy Chairman, that no Government is so helpless, no Government is so powerless that it cannot ask an officer to stay back to complete a job, promotion can be given to him, wherever he is. I myself have been recipient of promotion in my career where I was not holding an equivalent post. So the question that the officer was due for promotion and therefore he had to be transferred does not cut ice with a person like me.

Another point is about the transfer of Mr. Madhavan. This applies to Mr. Sharma. Mr. Madhavan had also been transferred. Mrs. Alva had withdrawn some remarks she had made about it. But I think it amply showed the attitude and the temperament of this Government towards that particular officer. And I would like to say here that it would have been much better even from the point of public relation if this Government had not touched these two officers, if this Government had told these two officers to stay back and complete the investigation with which they were entrusted. That would have carried much greater trust, much greater confidence with the people than your action in transferring these officers. So, doubts arise that you are not serious about this.

The fourth point, Madam Deputy Chairman, is that today is the 2nd April. I understand from legal experts that there is a date, perhaps, tomorrow the 3rd of April which is fixed for a decision by the Swiss courts. And if a decision is not

taken here and if they postpone action there, then it goes for six months and the accounts might be defroze and the money might fly and we will be left rubbing our hands.

AN HON. MEMBER: No evidence of the recipients.

SHRI YASHWANT SINHA: And no evidence of the recipients. So, the point I am making is this. Will the Government, if they are serious, assure us here in the House today that they are keen, they are sincere and that they want to pursue this case vigorously, and that they will do all in their power to see that the case does not go for a spin, the case does not go for a six , the case does not go outside the playing field, and that the delay in the Swiss courts will be prevented from taking place?

Madam Deputy Chairman, many Members, specially Mr. Madan Bhatia, have gone into the history of this case. It has a very chequered history. There is no point in going into it. I would only say that on the basis of the evidence which has surfaced since then, the Report of the Joint Parliamentary Committee lies in a shambles. And there is powerful evidence, madam Deputy Chairman, that a witness like Mr. Win Chadha had misled that Committee. Subsequently, evidence has appeared that he has misled. I will make a plea to the Government that you should examine this evidence. In fact, Mr. Ram Jethmalani had written an article some time ago in which he has pointed this out. Please examine the evidence. Please examine the evidence which has surfaced since then, and please take action. Mr. Win Chadha may be in Dubai. The arms of the Government of India are long enough to bring back all the culprits. And I am sure, if you can get—I hope you will be able to get—Mr. Prabhakaran from Sri Lanka, you will be able to get Mr. Win Chadha also from Dubai, you will be able to get all those who are involved in this case and make them pay for their sins not only in this deal but also for having misled the Joint Parliamentary Committee of the Houses, which amounts to contempt of both the Houses of Parliament. So, this is something which must also be done.

[Shri Yashwant Sinha]

Then, there is one last point, Madam Deputy Chairman. Reports are appearing, rumours are floating, information is reaching to all of us individually about all kinds and manners of things. Is it not in the interest of this Government itself that on the question of Mr. Solanki's resignation, they should make a statement? We have been demanding in this House for the last two days that the Prime Minister should come because he is the leader of the team—and he has come and I hope he will be able to deal with this subject—and should take us into confidence about Mr. Solanki's resignation. Mr. Solanki has been quiet after that very brief but very telling statement that he made in both the House on that day. But many questions arise. There is a question of this famous business house of NRIs, the Hinduja's. I have no hesitation in naming them. And all of us are aware of the very undesirable influence that this House tries to wield on the Governments. And I will be very frank about it. And they are still capable of doing it? Is it not something which this Government should be cautious about, should be careful about? There are reports of all kinds of access that they have in this Government, with various people in this Government in the highest positions being prisoners before them. Is this good? The Prime Minister has said that he does not want his Government to be under a cloud.

I hope it will be possible for the Prime Minister to clear the name of his government and say that this particular house does not wield influence over the Government. Our information is that it was caused in through the influence of this house.

THE PRIME MINISTER (SHRI P.V. NARASIMHA RAO): Not only this house, but no house. No house in any part of the world can wield any influence on me and my government.

SHRI YASHWANT SINHA : I am very happy that the Prime Minister has intervened and powerfully set aside any doubt. I hope he is talking of the future because the past we know.... (*Interruptions*).

SHRI S.S. AHLUWALIA : You know

your past which reflects your mind....(*Interruptions*).

SHRI S.K.T. RAMACHANDRAN (Tamil Nadu) : Mr. Yashwant Sinha has conceded.

SHRI S.S. AHLUWALIA: He is confessing his own sins.

SHRI YASHWANT SINHA : I am prepared to pay the price for any sins I may have committed; I have the moral courage to stand up and say....(*Interruptions*).

SHRI S.S. AHLUWALIA : We know your past.

SHRI YASHWANT SINHA : I have the moral courage to stand up and own my guilt if I am guilty, and if there is anything, I will not at all be unhappy to come before the House. But I may tell you that such things are not good for the reputation of any government. There are other Solankis in your government. Let me tell you that....(*Interruptions*).

SHRI R.K. DHAWAN : Do you deny that this house was close to you when you were in power?

SHRI YASHWANT SINHA : No, it was not.

SHRI R.K. DHAWAN : You are telling a*

SHRI YASHWANT SINHA : No Mr. Dhawan, I am not telling a*; you are telling a*

SHRI R.K. DHAWAN : They were very close to you and your government and your Prime Minister.

SHRI YASHWANT SINHA: Absolutely not.

SHRI R.K. DHAWAN : They were very close to you and your friends; they were very close to you.

SHRI SUBRAMANIAN SWAMY : I strongly object to the remark that Mr. Hinduja was close to Mr. Chandra Shekhar. This is absolutely untrue. He should not make this charge in this light manner, because if such charges are flying, then a lot of people will be hit. So, let him not make this charge.

* Expunged as ordered by the Chair.

श्री जगदीश प्रसाद माथुर : क्या हिन्दुजा के साथ सोलंकी जी ने जिनेवा में ... (व्यवधान) ... उन दिनों पार्टी में शामिल नहीं हुए? ... (व्यवधान) ... हिन्दुजा-सोलंकी जिनेवा में थे एक पार्टी के अंदर।

SHRI SUBRAMANIAN SWAMY : Because there was a dinner on Diwali in London and Mr. Vajpayee went for that dinner.

SHRI YASHWANT SINHA : I do not want to go into the details after the Prime Minister gave that assurance through his intervention. I do not want to labour this point but leave it at that. But it is very unfortunate.....

THE DEPUTY CHAIRMAN : Mr. Yashwant Sinha, after the Prime Minister's giving the statement on the floor of the House, I think that matter ends.

SHRI YASHWANT SINHA : That matter should rest there except for Mr. R.K. Dhawan who tried to provoke me and my party unnecessarily. ... (Interruptions).

SHRI R.K. DHAWAN : Since I knew your past, I was reminding you about it.

SHRI YASHWANT SINHA : I also knew about your past. But let me tell you if we start talking about the past, it will be very difficult for many Members on that side to remain seated in their seats.

SHRI R.K. DHAWAN : Who said about the past? Who referred to the past? You did it. That is why I said it.

THE DEPUTY CHAIRMAN : We are living in the present, and should think about the future because already it is 6 O'clock.

SHRI YASHWANT SINHA : As I said, these doubts have arisen and these suspicions have arisen and we are all concerned about it. We are all concerned about it because as I said in the beginning, it is the honour and the prestige of the country which is involved. Therefore, I would once again plead with the Prime Minister, with the Government, with the Members on the other side and with the whole House that—this debate will come: many debates on Bofors have come and gone—we should concretise today at the end of this debate, and this is something

which can be done only by the Government, and if they want any help or assistance from our side, we are willing to co-operate. But let us concretise a plan of action. Let us say this is the way, this is the manner in which the Government of India proposes to proceed; these are the legal difficulties; this is how we wish to surmount them, because we know that if we get involved in legal battles, there is no end to it. So we will have to find a way to cut the Gordian knot and get through it. So I would plead once again, at the end, let all of us resolve that we shall strike at the truth, to reach the bottom of this mystery, and that this country shall be told the truth.

6.00 P.M.

SHRI YASHWANT SINHA : Let me tell you at the end that if we do not arrive at a truth, if you do not arrive at the truth, the truth has a peculiar way of popping up again and again and nobody shall be spared.

THE DEPUTY CHAIRMAN : It is already 6.00 I should remind the hon. Members, whose names I will be calling after this, to be very precise and please do not interrupt each other because that delays this.

Shri Vishvjit Singh.

बोलिए-बोलिए। ... (व्यवधान) ... अभी आपको रिक्वेस्ट कर रहे हैं कि इंटर नही कोजिए। आप शुरूआत ही इंटरप्शन से कर रहे हैं।

SHRI VISHVJIT P. SINGH : Madam Deputy Chairman, I think you want me to wait for them to settle down before I start speaking.

Madam, the hon. Leader of the Opposition spoke of fire of Bofors. I would like to remind him that the Congress party is like a sword which is forged of the truest of steel, which will be able to encounter this fire and come out even truer and stronger to strike at those who are attacking the nation. You are not attacking the Congress party, you are attacking the nation. This particular incident, when it took place, we took immediate action. The hon. Prime Minister asked for the resignation of a senior Cabinet colleague. It was immediate

[Shri Vishvjit P. Singh]
action. The hon. Prime Minister immediately sent instructions to Switzerland, informing the various Departments concerned about our concern at getting to the truth. That is the kind of action we took. In spite of that, the Opposition has chosen to try and make it an issue out of this non-issue.

Madam, today I was amazed, when the hon. Minister Krishna Kumar made a statement, that statement was completely ignored. Questions were asked which have already been answered in that statement and that has been the tenor of the debate so far. I will not dwell upon what has happened here today. I need to reiterate certain truths which have been there all along, but which for whatever reasons have been ignored. I am going to be very short and precise.

Is it not true that the companies like Pitco or Moresco or whatever you might call them, first entered into contract in 1978-79? Is it also not true that contract provided for very large commissions to be paid to them—and the Congress party was not in power on that date?

Is it also not true that M/s Swenska and M/s. Anatronc also entered into an agreement with M/s Bofors for payment of commissions in 1978-79 when the Congress party was not in power? Is it also not true that each time the Congress Governments of Mrs. Gandhi and Mr. Rajiv Gandhi laid down directives for the companies not to deal through agents, to try to deal directly? They even stopped the entry of the agents into the offices of the Government and this happened each time. Is it not true that the commissions here to be paid to these companies were reduced? It is a fact that even the 'Hindu' documents show that the commissions to be paid to these companies were reduced successively. Each time pressure was put on them by the Government of India not to have agents.

Is it not also true that Bofors is a public sector company? It is also true that the Parliament of Sweden has been investigating, for a long time, into the corruption of the officials of Bofors—and this is very important. The Parliament of Sweden has been investigating into the corruption of the officials of Bofors, and it is also true that the officials of Bofors have

been caught before, in the past, making dummy companies to skim off commissions, showing them as bribes. And that is the import of the investigation which is going on in Sweden, because they have been convinced in the past that officials of the Bofors company, which is a public sector company, have themselves been corrupt in the past and some of them have even been caught. They have formed dummy companies.

It is also true that *Dagens Nyheter*, which is quoted like the Bible, is some sort of a pornographic paper which even carries pictures of naked women. That is the paper which they quote here! It is also true that the lawyers appointed by the Vishwanath Pratap Singh Government leaked untrue stories to *Dagens Nyheter*, motivated against particular individuals, which were published by *Dagens Nyheter*. It is also true that libel cases were filed, damages were awarded and the newspaper apologized and withdrew those stories which had, in the first place, been planted by the lawyers investigating into Bofors in Switzerland, appointed by the Government of Shri Vishwanath Pratap Singh.

Finally, Madam, it is also true that every successive Congress Government had done its best to try and get to the truth of the Bofors investigation. It has not spared any effort whatsoever.

Much has been made of the sending of the petition to our lawyers in Switzerland. Is it not normal practice to keep your lawyers informed of what is happening in a case? Even the hon. Leader of the Opposition chose to make this point. The fact is, even the most innocent things which are done with the intention of following certain norms, of informing our lawyers of what is happening here, are sought to be distorted and twisted.

The hon. Leader of the Opposition referred to what we have done. He kept asking what we had done since the judgment of the Supreme Court came. The fact is that after Mr. Vin Chaddha filed his petition, we opposed it. When he went to the High Court, we opposed it in the High Court and there was no stay granted because of the opposition put

forward by the Government lawyers. It is the lack of that stay by which the Letters Rogatory remain unaffected. We had emphasized to Switzerland that the Delhi High Court had not stayed the investigation. We had carried on, at every juncture, trying to get to the truth. If every action of ours is put under a microscope, you will find that there is nothing wrong in what we have been doing.

It was Mr. Rajiv Gandhi's Government which started negotiations with the Swiss Government to come to a Memorandum of Understanding. It is that Memorandum of Understanding which was the fount of starting of this investigation to get to the truth. Therefore, I say once again, I am convinced even now that the Congress Party is like a sword of the truest steel which once again will come out of any fire that you throw at it, stronger, even better, able and capable of defending this nation.

Thank you, Madam Deputy Chairman.

THE DEPUTY CHAIRMAN: Thank you very much, Mr. V.P. Singh, for being very brief. (*Interruptions*) Well, his name is "V.P. Singh." And I hope that the same rule will apply for the rest of the speakers.

I will call Mr. V. Gopalsamy, then Mr. Subramanian Swamy. Mr. Gurudas Das Gupta is not here.

SHRI RAM AWADHESH SINGH (Bihar): Is my name there, Madam?

THE DEPUTY CHAIRMAN: Yes, Mr. Ram Awadhesh Singh, your name is before me.

SHRI RAM AWADHESH SINGH: Thank you, Madam.

SHRI V. GOPALSAMY: Madam, in the field of modern weapons, particularly guns, Bofors guns find no equals if the striking capacity and the range is taken into account. Its range is not just 30 or 35 km. It is more than 1,000, 5,000, 10,000 km. Simultaneously the Bofors guns explode missiles in different continents right from Stockholm to Delhi, Panama, Zurich, London, Geneva. Madam, like bolt after bolt from the blue they have fallen on the edifice of untruth carefully built by the Congress Government.

Madam, a mere mention of Bofors

made some high-ups in high places tremble in their shoes. Therefore, days were there when the Doordarshan and the All India Radio were ordered not to mention the word "Bofors".

SHRI S.S. AHLUWALIA: All bogus.

SHRI V. GOPALSAMY: The television and the radio for months did not mention the word "Bofors," but just "155 mm Howitzer guns," and for 15 months those quarters heaved a sigh of relief thinking that the Bofors case was once for all dead and gone. But like an unchaseable crooked shadow of a ghost, they have surfaced to haunt them again. Like the Phoenix of the Greek Mythology, again it has started to fly in the Indian political sky with redoubled vigour.

Madam, nobody can deny the fact that even when a concrete evidence was available, the Congress (I) Government did not register an FIR in the Bofors case. Hon. Members from the Treasury Benches try to defend their party and the Government, but could they answer my question why they have not registered a case, registered an FIR in this Bofors case? It was the National Front Government of Mr. V.P. Singh, which registered an FIR on 22nd January, 1990. Yes, it is a fact. The very next day, that is, on 23rd January the CBI requested for freezing of the Swiss accounts into which the commission was paid. We have been demanding all those months to freeze the accounts like the accounts of Ferdinand Marcos of the Philippines, which were frozen. Therefore, on January 26, five accounts, four in Geneva, "Svenska," "Lotus," "Tulip," and "Mount Blanc" and one in Zurich, "A.E. Services" were frozen. ... (*Interruptions*) Yes, I have to say this. In the month of February the sixth account, the mother of all bogus accounts, was frozen.

Madam, they have admitted that the CBI delivered on February 7 the Letter Rogatory to the Swiss authorities. But after the fall of the National Front Government a very shady, murkier and nefarious development took place, and, yes, the Additional Solicitor-General of the Government of India goes to the court. (*Interruptions*) And in the open court the outstanding Advisor of the

[Shri V. Gopalsamy]

CBI, Mr. Madhavan, had to defend the Government telling that it was not the brief of the CBI.

Mr. Madhavan was the recipient of this year's President's Police Medal and he was divested of his charge to look into the Bofors. It is a backdoor method of the Congress Government. Under these circumstances now Mr. Solanki's letter episode has surfaced. Mr. Solanki, one of the respected personalities in the Indian politics was holding the reins of a State Government. Would anybody believe that he would behave like a postman, as if he was a guided missile? But who was operating and who was holding the button of the remote control?

SHRIMATI JAYANTHI NATARAJAN: Mr. V. P. Singh.

SHRI V. GOPALSAMY: I agree with her, because Mr. Solanki acted at the behest of V. P. Singh. See, this is the opinion of the Congress party. Yes, we agree. Who was holding the button of the remote control? (*Interruptions*) The point that I want to make is that it is not about the man, not about the lawyer....

THE DEPUTY CHAIRMAN: I am only controlling the button of my bell and I am about to ring it.

SHRI V. GOPALSAMY: It is not about the letter of a mediocre lawyer.

THE DEPUTY CHAIRMAN: Now, please conclude.

SHRI GOPALSAMY: Madam, I have not yet started. I started just now.

My point is not about the mediocre lawyer. My question is for whose benefit did Mr. Solanki carry the letter? For what purpose did he carry the letter? From whom did he get the letter? These are the questions. When, where, for what, from whom and for whom? These are the disturbing questions. He could not simply come and deliver that and show innocence. Would anybody believe that an External Affairs Minister, a seasoned politician, would carry a letter of a mediocre lawyer in a matter so sensational, which has thrown away a Government and which was till recently holding the reins in Delhi? The point is that he might have been influenced by a person, so powerful, at whose sight he would not have been able to refuse when he was asked to carry that letter. Who is that

heavyweight? Who is that Mike Tyson of India? That is the Question. From whom did he get the letter and at whose behest did he get the letter? Anybody who gives shelter or harbours any culprit could be booked under criminal Acts of India.

SHRIMATI JAYANTHI NATARAJAN: It is Prabhakaran.

SHRI V. GOPALSAMY: All right. You do it. When I am telling about this thing whether Mr. Solanki did meet Mr. Prabhakaran,.....

SHRIMATI JAYANTHI NATARAJAN: You met him.

SHRI V. GOPALSAMY: Yes, I met him. What is the point you want to make?

SHRI MURASOLI MARAN: Mr. Rajiv Gandhi met him. He had discussions with him.

SHRI V. GOPALSAMY: In that case, if you say Mr. Solanki did meet Prabhakaran, then you have to book him immediately under these circumstances. (*interruptions*) From whom did he get the letter?

Madam, it would be very appropriate to bring to the notice of the House through you about what was said by Dr. Pierre Schmid, Chief International Assistant in Criminal Matters, Federal Police Office in Switzerland. He has stated and it has been reported by Ms. Chitra Subramanian and it appeared on 23rd March:

"From a level higher than mine, I have been told that India does not regard..."

THE DEPUTY CHAIRMAN: She is not related to Mr. Subramanian, I suppose.

SHRI V. GOPALSAMY: Chitra Subramanian?

THE DEPUTY CHAIRMAN: He is sitting behind you. I hope she is not related to him.

SHRI SUBRAMANIAN SWAMY: Let me clarify, Chitra Subramanian is not related to me, but I certainly know who she is. All Subramanians are not related to me. Thank God. There are some in LTTE also.

SHRI V. GOPALSAMY: "From a

level higher than mine, I have been told that India does not regard this matter as urgent."

There is no need to get any decision on it and that the dossier can be held in suspension, said Dr. Pierre Schmid, Chief, International Assistance in Criminal Matters, Federal Police Office, Berne. "That means he was asked to put the case in cold storage. Madam, look into the statement made by the police official. Had this not been reported by Mrs. Chitra Subramaniam, these people would not have sent these two communications from the CBI on the 24th March and 26th March which Mr. Krishna Kumar has referred to in his statement. Madam, the letter was given on the 1st February, fifty-two days have passed and now the Minister says that on 24th and 26th they have sent communication. Why have not sent it on 15th February, 20th February, 1st March and 15th March? Why only on 24th and 26th March? Because they thought that the truth could be buried and whatever they have taken through covert means could be covered up. But unexpectedly, unfortunately for the Government, the matter was exposed for them. Therefor, they have no other go. When the External Affairs Minister gave a brief, yes, the junior officers, the official from the CBI sent communication. How the Federal Department, Judicial Department and the Police Department will react? They will take into account what was given by Mr. Solanki. Madam, had this letter not been exposed through the papers, the whole matter would have been hushed up. Now the Government is put in the dock because of the following serious questions:

Question number one, why the Government has not taken any action to quash Win Chadha's petition in Delhi High Court? Why it was not seriously contested in the Delhi court?

Question number two, why the Government has not moved the Supreme Court under article 139 (a)? Why no effort was made to seek a review?

Why the visit of the CBI to Sweden and Switzerland was cancelled at the last minute in the month of February?

The Minister of Personnel, Public Grievances and Pensions, Mrs. Margaret

Alva was trying to justify the actions taken by the CBI. But I would like to know for what reasons at the last minute, the proposed visit of the CBI to Sweden and Switzerland was cancelled.

Madam, Mr. Vishvjit P. Singh stated that what has been reported in the paper *Dagens Nyheter* by Mr. Bo Andersson is not true. Then, what stops you to take action to sue it in the court because that has been reported in the Indian press. Why don't you sue the Indian papers?

THE DEPUTY CHAIRMAN: The time is over. I have got another name.

SHRI V. GOPALSAMY: Give me some more time, Madam. More shocking revelations have been made. I would like to quote what was reported by Mr. Andersson. He says:

"Win Chadha, Bofors' agent for many years, got hold of military and technical information about the rivals of the Swedes, including the French GIAT. This way Bofors also got to know how the Indian Army felt about the Swedish howitzers."

He also says:

"The finance family Hinduja supplied Bofors with valuable information about how the Indian Ministry of Finance and the negotiators viewed the various bids from an economic point of view."

Madam, this is more shocking. This is just not a matter of corruption in high places. This is not just a matter of money which was swindled, looted and deposited in foreign banks. This is about how vulnerable we are because the military secrets have been leaked; what was happening, what decisions were taken by the top brass of the military, in the Defence Ministry have been leaked; what was happening in the Finance Ministry has been leaked out. (*Interruptions*). Why don't you move the court if it is not true? (*Interruptions*).

SHRIMATI JAYANTHI NATARAJAN: It is totally wrong.

SHRI V. GOPALSAMY: Madam, the Hinduja, according to this privileged source, were the real agents for Bofors.

[Shri V. Gopalsamy]

Could the Government deny the fact that the agreement between A.E. Services Limited and Bofors is dated November 15, 1985? Could you deny there was an agreement? That agreement also came into the picture. When? Twenty days after both the Prime Ministers, the Prime Minister of India and the Prime Minister of Sweden, met in New York.

THE DEPUTY CHAIRMAN: Now, will you please conclude, Mr. Gopalsamy? Otherwise, I will have to call another Swamy.

SHRI V. GOPALSAMY: I am concluding, Madam.

THE DEPUTY CHAIRMAN: You are not going to read all those papers. No.

SHRI V. GOPALSAMY: On the floor of this very House, the Government, with thunderous applause from the Treasury Benches, declared in the month of April, 1987, that there was no question of middlemen, no role of commission money. That was the stand taken by the then Government which was stoutly defended by Mr. Arun Singh who was handling the Defence portfolio. But the very same Mr. Arun Singh came to the House after three, four months and in the very same House he said, "Yes, Bofors company had committed a deliberate fraud against the people of India". Therefore, who has buried the truth? It is the Congress party, the Congress Government.

MANY HON. MEMBERS: No.

SHRI V. GOPALSAMY: They said there were no middlemen, there was no commission money. Now, Madam, Mr. Andersson has stated....(Interruptions)"Bofors did 'kickback hefty sums termed commissions to one gentleman". I do not want to mention the name of the gentleman. I do not want to hurt the feeling of any quarter. But he says, "hefty sums, commissions, were paid to one gentleman and other top politicians as a *quid pro quo*. The money to that gentleman went through the British enterprise, A.E. Services. Without them, Bofors would not have stood a chance of....(Interruptions).

MANY HON. MEMBERS: It is all false.

SHRI V. GOPALSAMY: Then you sue the newspapers which have reported it.

THE DEPUTY CHAIRMAN: I have other names to call.

SHRI V. GOPALSAMY: When it was referred in Martin Ardbo's diary that "G" must be protected....(Interruptions). On the day of the discussion, when I was making the charge, hon. Mr. Chidambaram stated that he meant "God, Almighty". He was trying to crack a joke with reference to what was written in Martin Ardbo's diary, what was reported by Mr. Anderson. Now the question arises as to who the real recipient of the Bofors kickbacks was.

THE DEPUTY CHAIRMAN: Mr. Subramanian Swamy.

SHRI V. GOPALSAMY: The hon. Prime Minister has stated that the Government does not want to work under a shadow. I appreciate and congratulate the Prime Minister. But, at the same time....

THE DEPUTY CHAIRMAN: Mr. Subramanian Swamy. (Interruptions). I am very surprised that Mr. S.K.T. Ramachandran is not here.

SHRI V. GOPALSAMY: Madam, only one minute. When the Pandavas were asked to step in the mansion built of lac and wax, the Kauravas thought that the mansion was set fire and destroyed and the Pandavas also were burnt to ashes. (Interruptions).

THE DEPUTY CHAIRMAN: Mr. Gurudas Das Gupta. Not present. Mr. Subramanian Swamy.

SHRI V. GOPALSAMY: This ghost has been haunting them. One Minister, Mr. Arun Singh, had to resign and disappear from politics. Now, another Minister Solanki had to resign.

THE DEPUTY CHAIRMAN: Mr. Subramanian Swamy.

SHRI V. GOPALSAMY: Madam, this deal when exposed, compelled the then Government to divert the attention of people from the Bofors episode. The Government was compelled to go for an agreement in Colombo which resulted in dangerous and painful consequences and the then Government is responsible for all these things.

THE DEPUTY CHAIRMAN:
Mr. Subramanian Swamy.

SHRI V. GOPALSAMY: I would like to say that the Congress party is under a cloud. (*Interruptions*).

SHRI V. NARAYANASAMY: Madam, these people are responsible for it. (*Interruptions*).

THE DEPUTY CHAIRMAN: Beyond this point, Mr. V. Gopalsamy is not speaking. (*Interruptions*).

SHRI V. GOPALSAMY: The Congress(I) party is under a cloud. It is under a shadow. (*Interruptions*). It is for them to prove that they were not the real recipients. (*Interruptions*). I would like to know whether Win Chadha or Hinduja are ruling the country. (*Interruptions*).

THE DEPUTY CHAIRMAN: I said, Mr. Gopalsamy, please take your seat. I have called another name. Underline it and please sit down. (*Interruptions*).

SHRI V. GOPALSAMY: Madam, I will complete it with one sentence. The Bofors management was not so idiotic to part money with only Hinduja and Win Chadhas. (*Interruptions*).

THE DEPUTY CHAIRMAN:
Mr. Subramanian Swamy. (*Interruptions*).

SHRI V. GOPALSAMY: You might have received the kickbacks. They are the people who were dictating, who were deciding and who were the final authority. They have received the money. (*Interruptions*). Therefore, I raise an accusing finger against the Congress party which is under a cloud, which is in the dock.

THE DEPUTY CHAIRMAN: I think, Mr. S.K.T. Ramachandran is absent from the House. If he were here, I am sure, it would have been a little more lively when Mr. V. Gopalsamy was speaking.

PROF. SAURIN BHATTACHARYA: That is, they are not enough? You want more from Tamil Nadu?

SHRI SUBRAMANIAN SWAMY: Madam Deputy Chairman, the Bofors company has been officially amalgamated. (*Interruptions*). When the truth comes out, maybe, some of you will also find it very embarrassing. The two Prime Ministers, who signed the agreement, both of them have been assassinated. But

still the issue keeps popping up and this time by the apparent unwitting action of a Cabinet Minister. Madam, nobody can object to finding the truth about the Bofors issue because the money involved is quite large. (*Interruptions*). I know how much you people are involved, so, be careful. I will come out with some of it just now. The amounts are large. I believe this is around 20 per cent, which would make it at those exchange rates, about Rs. 340 crores. We have only seen a part of it explained or pumped out but the most unfortunate part of the whole investigation so far, both in the press and outside, has been the total focus on Mr. Rajiv Gandhi as the one and the only culprit in the whole affair. Indeed, when I took over as Law Minister in December, the Prime Minister wrote me a letter asking me to convene a meeting of all the investigating agencies and to monitor the progress and also report to Parliament, if necessary, if it comes out. The entire period we were in power, Bofors was never raised in the House. Twice I asked in the Lok Sabha Business Advisory Committee, "Would you like Bofors to be put on the agenda?" And the Janata Dal was most vociferous in saying 'no'. They didn't want Bofors. They said, "we do not want to raise it at all." (*Interruptions*) The Parliamentary record is there for all to see. This is a question which I will unravel partly just now and more fully, later on. But the record is there that Bofors was never raised by the National Front as long as the Chandra Shekhar Government was in power and I was the Law Minister, looking after the investigation. Only once when I was in Lok Sabha, something came about....Mr. Tulsī, the Additional Solicitor General, and I said that I was prepared to make a complete statement on what happened on Bofors and the entire BJP, including Mr. Advani, said, "No, we don't want to hear about Bofors at all". I have reasons to say this. I am not going to reveal any official secrets. But I can say this much that there is plenty of material and some of that material which is published in Sweden finds its way to the press here on a selective basis. I found, for example-- and I am not revealing any secrets--that three Ministers were involved in various

[Shri Subramanian Swamy]
 periods in the negotiations for Bofors deal. Between June and July 1985 the person who negotiated Bofors deal, including making a trip to Stockholm to have a closed-door meeting with Bofors, was none other than Mr. V.P. Singh. As Finance Minister he went; he held a meeting in Stockholm. In fact, he had three meetings. Even he told the Bofors company that "a scandal has erupted in Singapore on the sale of missiles to UAE. How can you be sure that a scandal would not erupt if I strike a deal with you?" I raised this issue because all through Mr. V.P. Singh had maintained--I have got copies of these interviews--that he knew nothing about Bofors till it came to him for his signature and the Prime Minister gave an indication that he should sign. This was not true. In fact, Mr. V.P. Singh is guilty--I cannot use the word because it is unparliamentary--of terminological inexactitude. That is the parliamentary term for "lie". On 10th June 1985 Mr. V.P. Singh was in Stockholm because I have seen his TA and DA bills. It includes many interesting items which I wouldn't go into. The question is: Why did he hide this fact and why did the Indian media hide this fact? I have raised this question a number of times before the press conferences. I said, "go and ask Mr. V.P. Singh what he was doing in Stockholm on 10th June 1985". Two days after that one newspaper had gone to Mr. V.P. Singh and asked, "Why? Because you want to focus only on Mr. Rajiv Gandhi?"

SHRI S. JAIPAL REDDY: The whole media?

SHRI SUBRAMANIAN SWAMY: It looks like that.

SHRI S. JAIPAL REDDY: What do you think about the Indian media? (*Inter-ruptions*)...He has yielded. The credibility of Mr. V.P. Singh is so high and the credibility of Dr. Subramanian Swamy is so low. Not a single media responded to him.

SHRI SUBRAMANIAN SWAMY: All right, you can satisfy yourself. Galileo once said that the world is round and his credibility was so low that nobody believed his and, in fact, he was hanged. The whole world believed the world is flat. People like you believe the world is

flat till the truth is known. You also know one of these days the role Mr. Singh played in the whole Bofors deal. Now, say in June-July 1985 the financial controversy of the Bofors deal was discussed in confidential meetings in Stockholm by Mr. V.P. Singh and the Bofors officials. After that from July end till October another Member of the Janata Dal and a Minister of the National Front--I don't know whether he had also made a somersault like one other Minister has recently done--Mr. Arun Nehru, has negotiated the whole ramifications of the deal. In fact, he was calling on the Ambassador and giving him instructions' as to how the whole thing should be done, why middleman should not be there, why the technical experts should not be consulted. The overall picture has been discussed. The telexes are there. They are now part of the record. Mr. Arun Nehru was part of the Government. Madam, you will remember at that time Mr. V.P. Singh was the Prime Minister. I told him, "you would not be able to find out anything about Bofors because you don't want to find out anything about Bofors. One of your Cabinet Ministers is very much involved in the whole deal and that is why you never take this investigation to its conclusion. You are looking for such information which will entangle Rajiv Gandhi. You are not interested in finding out the whole story about Bofors."

That is the crux of the issue. Mr. Arun Singh was also a part of it. Many people asked me, "Why don't you send the CBI to the Houses of Mr. V.P. Singh and Mr. Arun Nehru to interrogate?" I said they would make it a political issue. If they have concern for the truth, they should volunteer. They should say, "we have something to tell. Let the CBI come to our house. We will be happy to give evidence." But they did not do that. I asked Mr. V.P. Singh twice that he should volunteer to give information of what he discussed. He had already gone on record in a number of interviews, that he has nothing to do with the Bofors, that he had not heard anything about it till the matter came to him for signature as Finance Minister. Madam, that is the issue which we have to consider. Why is

it totally concerned with Mr. Rajiv Gandhi? Whether Mr. Rajiv Gandhi is involved in it or not, the Prime Minister has said, he will find out the truth. We will know that. But there are many other aspects in the story which are deliberately suppressed, so that it appears that Mr. Rajiv Gandhi alone and nobody else is behind this deal. That we have to find out. If they are really committed to truth, then even today Mr. Arun Nehru and Mr. V.P. Singh should come forward and say that they are prepared to give evidence on whatever they know. Of course, if they again tell untruths I should be told about it. I will tell the whole truth to the extent I know. Mr. Rajiv Gandhi, as the Leader of the Opposition asked them in the Lok Sabha, "Now you have all the papers, lay them on the Table of the House." Mr. V.P. Singh first said, yes, then he backed out. I was puzzled as to why he backed out. Mr. Rajiv Gandhi challenged Mr. V.P. Singh to lay all the papers in the PM's office on the Table. Mr. V.P. Singh refused to do so. He even said that he never said so. Ultimately, we could not even establish it because the tape system in the Lok Sabha was also malfunctioning at that very moment.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI P.J. KURIEN): First he said, yes, then he backed out.

SHRI SUBRAMANIAN SWAMY: Why? I say today that there is enough material to suggest that the National Front is equally considered guilty on Bofors, if the standards they applied on Mr. Rajiv Gandhi are applied on themselves. They will be, in fact, more guilty than Mr. Rajiv Gandhi on this issue. That is why..... (*Interruptions*).

SHRI S. JAIPAL REDDY: It means, Mr. Rajiv Gandhi, is also guilty. (*Interruptions*).

SHRI SUBRAMANIAN SWAMY: I never said so. Let them not twist it. I said that by the standards which they are applying to Mr. Rajiv Gandhi to declare him guilty they are more guilty by those standards. Madam, that is why they got nervous when I became the Law Minister. They made this *hullagulla* about Mr. Tulsi. Mr. Tulsi is a courageous person.

He is still the Additional Solicitor-General. He fought terrorists in the Punjab High Court. I appointed him. He made the statement. He was not the lawyer for the CBI. Mr. Madhavan, suddenly got up and started ranting against him. This is against the Code of Conduct for a civil servant. Another Solicitor General, Mr. Chandra Shekhar---he is another Chandra Shekhar not the former Prime Minister--is a very good person. I assigned him for the CBI. The CBI is very happy with him. It is he who should have asked for an adjournment, if he felt that there is some deviation taking place. Of course, in view of the furore I told Mr. Tulsi that it would not be in his interest to continue in this case. He voluntarily agreed to step out. We brought Mr. Anand Dev Giri who pursued the case relentlessly to the end. But Mr. Madhavan made such a spectacle of it. Every day I see in the editorial, it is written that I had tried to sabotage the case by asking Mr. Tulsi to go and argue against the Government case. Nothing of that kind happened. (*Interruptions*). I know that you don't want the truth to come out. You want to focus it in a particular way. We wanted to know the truth, whether it was Mr. V.P. Singh or Mr. Arun Nehru or Mr. Hegde or anybody involved.

The *chela* of Mr. Hegde is also sitting here. One day when you give me a chance to speak about the HDW, I will tell you what the Karnataka leaders were doing. That is the issue. Mr. Tulsi was innocent and yet I removed him from the investigation. In the Lok Sabha the BJP men attacked me for this. I could not defend myself in the Lok Sabha. They said that I had left the criminals out. Who were the people who were named in the FIR? The Hinduja's were named in the FIR. Who goes to their lunches and dinners? On the 12th of November 1991, the Hinduja's gave a dinner in London. Who went all the way to London on Hinduja's expense? Mr. Atal Bihari Vajpayee went there and had dinner and came back. And now, they are giving me lectures that I let off the criminals. Who is consorting with them? Who is giving them legitimacy? I also found to my surprise and the Prime Minister should find this out that the St. Kitts file is missing. Mr. Chandra Shekhar had asked

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look at all the cases and I found that the St. Kitts matter was not preceeding. So I asked, "Why"? They said that the files were missing from the Finance Ministry. I asked them to find out where they had travelled. They told me that it had travelled to the Prime Minister's office. I asked them, "When"? They said, "During Mr. V.P. Singh's time." "What was the issue?" The issue was, Shri Ajeya Singh, the son of Shri V.P. Singh had confessed to having a Swiss Bank account and had promised to tell about the deposits that were made into the account and the withdrawals from the account.....

श्री शंकर दयाल सिंह: अब इनको कैबिनेट मिनिस्ट्री में ले लीजिए।

श्री सुब्रह्मण्यम स्वामी स्वामी: वह चिंता मत करिए।..... (व्यवधान)। हम पहले भी इनकी मिनिस्ट्री में थे। इनकी मदद से आगे भी हो सकते हैं। आप चिंता मत करिए।

So, Madam, Mr. Ajeya Singh had given an assurance that by 9th October, 1989 he would give a complete transcript of all the deposits made in the Swiss Bank account and the withdrawals from it. He did not do it. He gave in writing to the Finance Ministry and after that nothing happened. The elections came and Mr. V.P. Singh's Government came to power. May I ask you about your ethics? This file should never have gone to the Department of Personnel. But because the Prime Minister is in charge of the Department of Personnel, his son's file comes to the Department of Personnel.....

SHRI S. JAIPAL REDDY: Since Dr. Swamy has referred to the St. Kitts forgery, I demand a JPC to enquire into St. Kitts forgery. I dare this Government to appoint a JPC. We will find out who is guilty....

SHRI SUBRAMANIAN SWAMY: I fully support you. I would in fact ask Mr. Jaipal Reddy to use his influence so as to make Mr. Ajeya Singh fulfil his commitment to the Finance Ministry and tell us about all the deposits that were made in the Swiss Bank account. He had promised to do so by the 9th of October.

SHRI S. JAIPAL REDDY: This is a

very serious matter and on behalf of my party I am repeating my demand for a JPC....

SHRIMATI JAYANTHI NATARAJAN: What about Mr. Ajeya Singh?... (Interruptions)...

SHRI S. S. AHLUWALIA: What about the Maharaja Hawalla Company?... (Interruptions)... Why are you silent on that?

SHRI SUBRAMANIAN SWAMY: Mr. Reddy, before provoking me you should be prepared for the retaliation....

SHRI S. JAIPAL REDDY: I am not provoking you. But I would like to make a request. Dr. Swamy has rightly revived a issue which had unfortunately been forgotten by us. Therefore I thank him for reviving the issue. I take this opportunity to make this demand for a JPC...

SHRI SUBRAMANIAN SWAMY: After today you will not be in that Chair because the loser is going to be Mr. V.P. Singh. So, Madam, what I was saying is that Mr. Chandra Shekhar, when he was the Prime Minister, told me that we should not get involved into all these things. We should try and see that the law takes its own course and not made this a big issue. The truth, yes, can be made an issue. But the focus of all this is how to defame and bring down Mr. Rajiv Gandhi. Now the investigation produces his name; that is another matter. That is not what they are after. I have given you instances about how selectively they have brought the matter to the newspapers. I have given you a case of Mr. V.P. Singh going to Stockholm which no newspaper was even prepared to ask him about... (Interruptions) Yes, it was. Some newspapers might have been prepared, but the newspapers that you quote, they didn't want to publish anything about that. I will say this much for the Prime Minister that with the speed with which he has acted, it is quite clear that he has been totally above board in this. No person who would be having complicity in what happened in Davos or Zurich would have acted so quickly. So instead of appreciating that, we find that there is an attempt to drag him into the whole mire. But I would like the Prime Minister to tell this House... (Interruptions)

SHRI S. JAIPAL REDDY: None of

us made any allegation against or cast any reflection on the Prime Minister. I do not know why Shri Subramanian Swamy wants to get close to the Prime Minister by dragging us into the matter.

SHRI SUBRAMANIAN SWAMY: What did you mean by collective responsibility? Therefore, in conclusion... (*Interruption*)

THE DEPUTY CHAIRMAN: I have other speakers. It is 7 o'clock now.

SHRI SUBRAMANIAN SWAMY: Madam, this is the last line, the bottom line. However, I would like the Prime Minister to get to the bottom of this. I am not prepared to believe that this can be so simple an affair that the Minister went to see another Minister and a note slipped into his hand which he handed over to another Minister. Obviously, there is something rotten somewhere and there is his responsibility to find out where it is. As Mr. Yashwant Sinha mentioned, if the Hinduja's tentacles are spreading here—they were in all the Governments, I don't claim this to be an angel Government that this had nothing to do with Hinduja—I think that it is necessary in the interests of clean Government that he should get to the bottom of this and come and tell us, sometime in the future, what really happened.

SHRI P. CHIDAMBARAM: At this hour, I do not wish to speak for a considerable length of time. The statement made by the hon. Minister of State for Defence is quite comprehensive and self-explanatory. I only wish to start at the point where the hon. Member, Shri Yashwant Sinha, ended and the hon. Member, Shri Subramanian Swamy, ended that we should not inject any partisan spirit into this enquiry. And we should all agree without casting aspersions on each other that we are all interested in finding out the truth. I am happy that this debate on Bofors—I have participated in many debates on Bofors—has been free from the degree of rancour and ill-will that was witnessed in 1987, 1988 and 1989. Madam, I only wish to take three or four minutes to place, in perspective, what is happening at various fora so that the facts are clear to the people. I am not apportioning the blame. I am not claiming credit. But I think that the people

should know what happened during certain periods of time, whichever Government was in power at that time. The first thing is about what the Rajiv Gandhi Government did. Very quickly, a preliminary enquiry was registered during the Rajiv Gandhi Government. The MOU, the very foundation upon which this investigation is built, was signed, when I was in the Home Ministry, on the 20th of February, 1989. Without the MOU Switzerland would not have been willing to talk to the CBI. We do not need an MOU to investigate in Sweden because Sweden recognised the doctrine of National Crime Bureau and CBI being the NCB in India, can ask the NCB in Sweden to investigate. But Switzerland wants an MOU. An MOU was entered into on 20th February, 1989 by the Rajiv Government. Three days later, on 23rd February, 1989, the first letter rogatory was served upon Switzerland. It was not found defective. Before the Rajiv Government demitted office in October 1989 the second letter rogatory which gave more facts and added more clauses, was submitted to the Switzerland Government. That was not found defective. So where did we leave the matter? We left the matter with an MOU, with two letters rogatory. Then came the V.P. Singh Government. Now, I heard, at least you tried to interrupt and you wanted her to yield to make a claim and you nevertheless made the claim even before she yielded, that your Government got the AE Services document and all that. Madam, we talk about collective responsibility. Then, what about collective amnesia? What is this AE Services? It is stated here in this statement, kindly see para 5:

"Against the letter rogatory an appeal was filed in the Zurich Cantonal Court. The appeal was dismissed. A further appeal was filed. It was dismissed on 13th November 1990".

Surely, on 13th, November, 1990 it was not the V.P. Singh Government which was in power. That is a minor matter and let us leave it at that. The documents were received by the CBI on 13th December, 1990. And what were the documents received? Accounts relating to AE Services which

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showed that money had been received into that account and transferred to Nordfinanz Bank. This is what you claimed as a great discovery made thanks to your effort of 13th December, 1990? The honourable Member, Mr. Jaipal Reddy, will kindly take the condemned JPC Report...

SHRI GHULAM NABI AZAD: According to them.

SHRI P. CHIDAMBARAM: Yes, according to them the condemned JPC Report. He will kindly take the condemned JPC Report and go to page 170, paragraph 1.176. He will find in black and white the fact recorded that AE Services was the recipient of 50 million Swedish Kronor. That the amount was received by AE Services and transferred to Nordfinanz Bank is recorded in paragraphs 1.176, 7.181 and 7.182. Nothing that was received on the 13th December, 1990 takes us even an inch beyond what is recorded on page 170 of the condemned JPC Report, condemned by you; nothing at all. You were not in Government then. The successor Government must have looked into that document of 13th December. the CBI has briefed me for this debate and I have looked into that. There is nothing which takes us an inch beyond what is in 170. These facts we know. What is it you are telling us anew? Please take us beyond Nordfinanz Bank...

SHRI S. JAIPAL REDDY: Will you kindly yield a moment? The letter rogatory was found correct by Zurich Cantonal Court. It was upheld by Zurich Cantonal Court. It was upheld by the Supreme Court. and therefore, the papers relating to AE Services' account were transferred to the Government of India. The Governments, Which succeeded ours could not proceed further because of the judgment of justice Chawla of the Delhi High Court. Therefore, you cannot belittle this achievement and it is for the first time in the history of Switzerland that such an account was transferred to another Government.

SHRI P. CHIDAMBARAM: Please do not mix up one case with another case. I am fully briefed about the four

cases. I am willing to meet every point. We are dealing with Zurich Court. You tried to make a tall claim with the receipt of the documents relating to AE Services or the discovery of Nordfinanz Bank. A great discovery! What I am trying to say is that this is no discovery. This fact was available even in 1987 and 1988 and all the documents given to us on 13th December do not take us an inch further than what is already recorded in the JPC Report. So, Zurich has not taken us any further. Zurich has not pointed out any direction.

7.00 P.M.

We are now trying to find out. We know all these. But tell us beyond Nordfinanz. Nothing has come from the Zurich Court.

Now, we are coming to the Geneva Court. You filed the letter rogatory. The letter rogatory. The letter rogatory was found to be defective in July 1990. And, Madam, what are the defects? I think the House should know, the people should know, that it is the incompetence of the Government and its draftsmen in drafting a letter rogatory or the complicity of the Government in drafting a defective letter rogatory. It is not incompetence, it is complicity. Let me read out, Madam, the list of defects given by the Geneva Court. When India's nose was rubbed into the ground, the Geneva Court said, "It is legitimate to demand an explanation." A Cantonal Court in Switzerland had the courage to record, "It is legitimate to demand an explanation from the Government of India."....(Interruptions)...which means the then Government, the Government which filed the letter rogatory! Let me read out the list of defects:

"Documents Were not translated," "Documents were not certified," "Documents referred to in the letter rogatory not produced or attached to the letter rogatory," "Not disclosed—what authority issued the documents mentioned in paragraphs 5, 6, 7, 8, 23, 24, 25 and 27," "Some documents were not complete," which means, either defaced or mutilated, "Some documents only partially legible," which means either erased or never written properly and, finally, Madam, the clincher, "Moreover,"...—this is the document, Madam,

sent by the Government of India. We are not in the age of manual typewriters. we are not in the age of quill pens. We have moved on to the age of word processors and computers and the then Prime Minister had a mini-computer in his pocket at that time, and this is what the Court had said—"a piece of paper has been added and pasted on between points 9 and 10.".....(*Interruptions*)....

And then, "The piece of paper...."—Madam, this is important; not the rest of the document, not the body of the document—"refers to names of natural persons and corporate bodies mentioned in the letter of 26th January 1990 sent by Mr. Madhavan."

Then comes the demand that the Indian authorities give an explanation in this connection. "It is, therefore, legitimate to ask whether these facts were brought to the knowledge of the Judge, Mr. R.C. Jain or whether they were sent without the knowledge of Mr. R.C. Jain." Madam, this is the letter rogatory they sent and this is where the problem started.

SHRI S. JAIPAL REDDY: Just a minute.....(*Interruptions*).....You have made a point and now you must listen to me.....(*Interruptions*).....

SHRI P. CHIDAMBARAM: All right. This is the last time I yield to you, but this is not the last point!.....(*Interruptions*).....This is the last time I am yielding to you today.

SHRI S. JAIPAL REDDY: O.K. Madam, the honourable Minister did refer to facts and I do not question the facts. But he has inflated the importance of technical errors.....(*Interruptions*).....

SHRI SUBRAMANIAN SWAMY: This is forgery. What is this then?.....(*Interruptions*).....

SHRI S. JAIPAL REDDY: Madam, I must be heard.....(*Interruptions*).....I must be heard.....(*Interruptions*).....You must hear me.....(*Interruptions*).....Madam, I must be heard first.....(*Interruptions*).....I must be heard first(*Interruptions*).....This is not the way; this is not the way(*Interruptions*).....Please hear me.....(*Interruptions*).....The revised letter rogatory.....(*Interruptions*).....

SHRI P. CHIDAMBARAM: I am coming to that.

SHRI S. JAIPAL REDDY: ...was transmitted by the CBI to the Swiss authorities on the 30th August 1990 which was found to be in order by the Trial Judge on 19.9.90. Within three months the entire rectification was completed. Let him refer to that also.....(*Interruptions*).....

SHRI P. CHIDAMBARAM: Madam, this is no answer. We disclosed that the letter rogatory was submitted in August 1990, and was found in order on 19th September 1990.

You have not rebutted our statement. The point I am trying to make is: you came to power. I think, on 2nd December 1989, you were in such a tearing hurry, you had no respect for legal procedures—This is the burden of my song, which I will come to in a few minutes—you were in such a tearing hurry, you dashed off a letter written by Mr. Madhavan on 26th January 1990; then you said, 'no, no, let us pack it up with the court order'; you appointed a special judge, you rushed to the judge, got a letter Rogatory issued on 7th February 1990; you sent it across on 7th February 1990, and a Cantonal court—this is what hurts me as a lawyer—the Cantonal court finds the Letter Rogatory sent by the Government of India to be defective "with the paper pasted there, no attestation, no certificate, names interpolated, not placed before the judge"—what impression will that court have of the legal procedures and the judicial system of India? In July, after examining the Letter Rogatory carefully not for about five minutes—for five months they examined the Letter Rogatory—pronounced the Letter Rogatory defective. But in deference to the Government of India they said : we will continue the freeze of accounts, but please rectify these defects first. The defects were rectified on 30th August and on 19th September the Trial Judge admitted the Letter Rogatory and found it valid. But that is not the end of the story.

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This is where Mr. Yashwant Sinha and Mr. Jaipal Reddy missed the sequence of events. That is not the end of the story. Against that order, further appeals were filed, and on 23rd of January 1991 the Court of Appeal in the Canton of Geneva had suspended investigation. It had nothing to do with Win Chadha's petition, which was sent on the 17th September 1991. On 23rd of January 1991 the investigation in Geneva.....(*Interruptions*).....Kindly listen to me.

THE DEPUTY CHAIRMAN: Listen to him. He will tell you whose judgement was this. Let him inform the House whatever he knows.

SHRI P. CHIDAMBARAM: All your party members of Lok Sabha accepted my statement of facts. I hope you will do me the same courtesy and honour. On the 23rd of January 1991, the Court of Appeal of the Canton of Geneva, which is a superior court, after reading so called "complied with, rectified Letter of Rogatory", for reasons stated in that order suspended the investigation. Therefore, Madam, the main reason, the principal reason that has been conveyed to the CBI is that Indian judicial authorities are seized of the matter, and until.....(*Interruptions*)

SHRI S. JAIPAL REDDY: You are trying to gloss over it.

SHRI P. CHIDAMBARAM: I am not glossing over it. Madam, unfortunately, Mr. Jaipal Reddy will neither take the facts from the statement nor will he take facts from me.

Kindly read the paragraph 6, last line: "The criminal court of appeal at the Canton of Geneva passed an order on 23rd January 1991 suspending the examination of the Letter Rogatory till the Indian judicial authorities pronounce their decision". Kindly read that sentence. The suspension, Madam, is on the ground that the Indian judicial authorities are seized of the matter. The examination of the Letter Rogatory is not yet over. They suspended examination of Letter Rogatory on the ground that the Indian judicial authorities are seized of the matter. It is not as though the Court of Appeal at Canton has pronounced upon the validity of the Letter

Rogatory. That is suspended. That is coming up on the 3rd of April.

Therefore, when our Government came into office on the 21st June, what were we left with? We were left with documents given by the Zurich court. We were left with suspension order passed by the court of Appeal of Canton, saying "Investigation/Examination suspended. Let the Supreme court pass an order. This was the position on the 21st of June. We could do nothing in the matter. 27th of August: the Supreme Court pronounced a short order allowing the appeal of Janata Dal on the ground, "no *locus standi*"—but this is a minor matter, setting aside H.S. Chaudhuri's petition, and held—what did it hold? I am not getting into the legal niceties, we do not have the debate here, this is not the legal forum: the FIRs remain unaffected by these proceedings. Now, a lawyer will know what that means. An FIR remaining unaffected is very different from saying that FIR is valid. But I will not go into it. I will take the FIR as valid. It is the Government's position that FIR is valid.

It is the Government's position—I reiterate for the record—it is the Government's position that the FIR is valid, it is the Government's position that the investigation is valid, it is the Government's position—let me not be misunderstood—that the Supreme Court has finally disposed of all challenge to the FIR. That is the Government's position. Madam, on the 27th of August, 1991, the Supreme Court passed the order. And immediately—and the facts are stated; I don't have to narrate them—the CBI has acted and has despatched the Supreme Court judgement. When Win Chadha filed a petition, a copy of Win Chadha's petition, when no stay was granted, that communication, every single time and every single occasion, every single development in the Indian court has been sent to Switzerland. The petition has been sent to our lawyer Marc Bonnant. Our Embassy is being kept informed. The Government has acted with due despatch and without any delay in keeping the Swiss court informed.

Therefore, Madam, today we have to find out, beyond Nordfinanz Bank, is there anything in the Zurich account, which the CBI is looking into. And about Geneva, we have made it very clear. The case is coming up for hearing, we are told, on the 3rd April. But let me make one thing clear. This is in the statement. The CBI does not have a right of audience in the court. Our lawyer cannot appear. We cannot plead. We cannot file documents. We can do nothing. We do not even have a watching brief. We are not even told the date of hearing. We have to gather it. So, what happens in the court, we do not know. When the court examines the matter, when the court passes an order—I am sure, they will give us an order—certainly something can be done. So far as the Indian court is concerned, our position is that the Supreme Court has disposed of the matter.

But everyone knows that people who will consider themselves affected by any proceeding, people who are aggrieved by any FIR or charge-sheet or whatever it is, will go to court. Nobody can stop Win Chadha from going to court. But the only way to dispose of it is not by throwing accusations against each other in Parliament. The only way to dispose of it is in courts. After all, we have a system, we have a system here which is bound by rules and procedures. However frivolous, however vexatious a litigation is, it has to be disposed of. For example, the Janata Dal's petition wanting to implead itself in H.S. Chaudhary's case, and the Janata Dal's appeal, however misconceived on the ground of *locus standi*, has to be disposed of by the Supreme Court only on the ground that you have no *locus standi*. Now can it be argued that your motivated? No. You were misconceived, you were wrong, you were badly advised which is not unusual, and it was disposed of in the Supreme court. Therefore, the point... (*Interruption*) I am not yielding any more. The last chance is over. The point today is there is Win Chadha's petition. There is no stay by the Delhi High Court. We have told our lawyer, we have told the Swiss authorities. Now, if a further wrinkle develops, if a further obstacle comes up, we assure you, we will

remove that wrinkle, we will that obstacle, we will oppose Win Chadha's petition here, we will ensure that the pendency of this proceedings does not in any way affect that Swiss courts.

Now, Madam, I have to conclude with Sweden. There is one line about Sweden. Again in Sweden, Madam, before tall claims are made, a letter of request was made on the 2nd April, 1990. Then we repeatedly wrote to Sweden. They got the SNAB Report, Part II. They thought that they were going to be very clever. They wanted to place SNAB Report, Part-II, before the public. Sweden told them, "behave yourself. There is a breach of confidentiality; you shall not place the SNAB Report, Part-II." And very quietly the V.P. Singh Government put its tail between its legs and said, 'all right, we will not place the SNAB Report, Part-II.' When Rajiv Gandhi said this, he was accused of burying the documents. When Mr. V.P. Singh says the same thing, he feels he is honouring the principle of confidentiality. What kind of standards are these? Anyway, Madam, let us leave it there.

When we went to Sweden, in Sweden, Madam, Mr. Lars Ringberg, the District Prosecutor, turned down our request for re-opening the case. Now, we examined it. We filed an appeal. The Congress Government filed an appeal. You want to know what overt steps we have taken. We filed an appeal on the 2nd of March. That appeal has been rejected by the Federal Prosecutor on the 10th March, 1992, which is 20 days ago. Now, we have to examine it. Is there a further appeal? Can you appeal from Caesar to Caesar? No. You have to find out if there is a forum in Sweden and what are the grounds on which you can appeal. And if there is a forum, surely, we will appeal. But, Madam, even this is not a new development. Kindly take the so-called condemned JPC Report, and look at page 211. I do not know if you have travelled that far. You will find on that page 211 that Lars Ringberg, the District Prosecutor even then said that there is nothing in the case that warrants an investigation in Sweden. You criticised us for that. You went to Sweden. The Sweden Prosecutor gave the same verdict three years later, that Federal

[Shri P. Chidambaram]
prosecutor confirmed that verdict. What should the Government do? A Government can act only according to law.

I would conclude by saying this. The Prime Minister is here to intervene and he will certainly speak with greater authority for the Government. I would only want to say that there are no short-cuts. You cannot cut corners. And I want to appeal to Mr. Yashwant Sinha and Mr. Jaipal Reddy, my good friends; I appeal to their good sense. There are no short-cuts. If you try to jump fences, if you try to enter into bylanes and alleys, what will happen? What will happen is what happened to that CBI team, what happened to that newspaper, that disreputable newspaper Dagens Nyheter, what happened to that discredited journalist in the London court. Who cut corners? V.P. Singh Government cut corners. You had a team. And I said this to Mr. Advaniji and Vajpayeeji yesterday. It was a pity that my good friend Arun Jaitley whom I became acquainted with in the Supreme Court, a fine youngman with a fine record, was unnecessarily added to that team, and he spoiled his record by going and advising people, spreading the word in Geneva, spreading the word in England that there was a sixth account. Go through the record with truth. Number six is never mentioned anywhere. It was your imagination. Somebody may have told you orally. Number six was never mentioned anywhere, as if a sixth sense, sixth account, and 'X'—I would not take the names—was involved in the sixth account. This story was assiduously spread, and I am deeply sorry that my friend Arun Jaitley my colleague in the Bar, was involved in this exercise. Mercifully, the BJP realised very soon that they had made a grave mistake. They have made a grave mistake in attending the Tuesday dinners. They made even a greater mistake by lending Arun Jaitley's services. Then they withdrew Arun Jaitley. You went and spread the story. You cut corners and what happened? The newspapers published it. It was hauled up in a London court. The High Court judge of London gave notice to them. They came to London court and confessed. What did they confess? They confessed that they were misled by the Indian authorities. Is that the role of the Government of India? 'Mislead by the Indian authorities'. I have the whole

order with me and I can read it out; I can place it and distribute it publicly. And they paid the highest damages in recent history—sum not to be disclosed. The two solicitors agreed and entered into an agreement which was filed before the court that it will not be published. But everybody in London knows that highest damages in recent times—I am not saying 'ever' but in recent times—were awarded to the plaintiff in this case against Dagens Nyheter. Now India Abroad has reproduced it. The case I believe according to this morning's papers is pending in a court in America.

Please don't ask us to do that. You cut corners. You tried to get round the law. You tried to be smarter than the law, and you faced the music. But we are not going to do that.

Let me conclude by saying that we will pursue the truth but in accordance with law. We will pursue the whole truth but only in accordance with law. There is no other way. If we have to exist as a civilised system, if we have to subscribe to the civilised principles of jurisprudence, the only way this can be done is to strictly adhere to the rule of law and the rule of law is not only the substantive provisions of law, but it is also procedural law. The law is substantive law and procedural law. You cannot cut corners. Don't ask us to do that. I don't think it is Mr. Yashwant Sinha's appeal or Mr. Jaipal Reddy's appeal that we should cut corners. We should go strictly according to law and our government commits itself to finding out the truth in accordance with the law, in accordance with the procedures established by law and in accordance with the laws of this country and the laws of any other country which may be willing to help us.

Thank you.

SHRI YASHWANT SINHA: I have one clarification to seek because...

THE DEPUTY CHAIRMAN: I have three more speakers. Let me first allow them.

SHRI YASHWANT SINHA: Mr. Chidambaram has made a very fine presentation. He knows the law I am sure. I

would just put one question to him, that is, that after all these papers and documents have been sent to the Swiss, to our lawyer, the CBI lawyer, is it the end of the pursuit? Is it possible now to do away and persuade the Swiss court to do away with the suspension of enquiry which they had ordered earlier... which they had ordered earlier. And will the beginning be made now or is it that some thing more needs to be done?

SHRI P. CHIDAMBARAM: According, to our information the suspension was ordered on the 23rd January, 1991, but the freeze was continued. The freeze is continuing and according to our information the case is coming up for hearing on 3rd April. We have no audience before that Court. It is between the appellant before that Court and the Swiss Federal Department of Police and Justice. So, we can only wait for what happens on the 3rd April. But as the Prime Minister said yesterday, in order to clear this cloud of suspicion which may have arisen as a result of the note handed over by Shri Madhavsingh Solanki, a message has been sent yesterday, after the Lok Sabha debate, reiterating the CBI's letters of 24th March, 1992, and 26th March, 1992, to the Swiss Federal Department of Police and Justice, that the Government of India is keen to pursue the case and the case must be heard by the Court on the date appointed for the same. So, we will have to wait and see tomorrow what happens in the Court there.

DR. JINENDRA KUMAR JAIN: Madam,...

THE DEPUTY CHAIRMAN: No please. No, Doctor, I am absolutely sorry. I cannot permit you. (*Interruptions*). In any language which you know, it is no. I am not allowing. Anybody speaking without my permission is not going on record. That is my final ruling.

Now I have before me...

DR. JINENDRA KUMAR JAIN:*

THE DEPUTY CHAIRMAN: I am not allowing you. अगर आप कहें मैं हिन्दी में बोलूँ, अंग्रेजी में बोलूँ I am not permitting you.

It is very very late and the Prime Minister has to speak. I cannot permit like this. Somewhere I have to be strict. I have two names...

DR. JINENDRA KUMAR JAIN:*

THE DEPUTY CHAIRMAN: No point of order or disorder. I am not permitting. I have got the names of Shri Saurin Bhattacharya, Shri Ram Awadhesh Singh and Mr. Ambedkar.

DR. JINENDRA KUMAR JAIN:*

THE DEPUTY CHAIRMAN: You cannot raise it until and unless I permit you. You cannot raise it, I am not permitting you. (*Interruptions*). No, it cannot be raised. So, these are the three names. After what you have heard, is there anything else to ask? If you are not going to repeat what has been said, I will permit two minutes to each of you.

DR. JINENDRA KUMAR JAIN:*

THE DEPUTY CHAIRMAN: Not to you, I am addressing Mr. Saurin Bhattacharya. Yes, Mr. Bhattacharya, please be extremely brief.

PROF. SAURIN BHATTACHARYA: I am trying to be as brief as possible. I heard the previous speaker, Shri Chidambaram, on behalf of the Government. In one way he put the matter in a proper perspective. The object of today's discussion was to be assured that the investigation on the Bofors gun deal would be continued with unabated vigour, in accordance with the law of the country and also meeting the requirements of the country where investigations have to take place. So, at the beginning, for quite some time I was a bit perplexed as to why persons and personalities were being erased, why tuppenny half-penny legal arguments were being given because this is not an issue like that. It is an issue which concerns the defence of the country, which concerns the reputation of the country, the integrity of the country.

While Mr. Chidambaram put it in proper perspective, he, as was natural, tried to turn the tables on the opposite side, on the contenders. That is part of the game. Mr. Jaipal Reddy tried to counter it, as best or as bad as he could. But the point is, inspite of what has been stated in the statement of

* Not recorded.

[Prof. Saurin Bhattacharya]
 Krishna Kumar, in the intervention of Mrs. Alva and Mr. Chidambaram I was struck very much by two things. One was Mrs. Alva's approach. She said, I got it written down, "If there was something to reveal". I think there is hardly any doubt that in connection with the Bofors deal there were irregular and illegal transactions, benefiting whom?—that is to be decided. For a Minister to say, "If there was something to reveal" shows an attitude of mind which is not very consistent with the protestations of the Government....(Time-bell rings)... Two or three more minutes, Madam. I may say that the statement of the Prime Minister yesterday in the other House, that the Government was determined to arrive at the truth by all means, was a very bold declaration, I should say, with a little mental reservation. But Mrs. Alva, a member of the Council of Ministers, on another point was very striking. Something like a drama was enacted when Mrs. Jayanthi Natarajan asked the question regarding expenses incurred on the investigation. Mrs. Margaret Alva did not say, "Notice required" but was ready with the account which, conceivably, was not a part of the discussion. What does it mean? Why the question? Expenses there will be. There will be another Rs. 50 lakh expended, there will be bills of hotel expenses, there will be bills for other things. Why was that point raised?

THE DEPUTY CHAIRMAN: But there was no breach of propriety in the House.

PROF. SAURIN BHATTACHARYA: No, I don't say propriety was breached.

THE DEPUTY CHAIRMAN: If it was, then I am concerned. It was just a question and it was answered. It is okay, it is in order.

PROF. SAURIN BHATTACHARYA: I would say, in such a case Mrs. Alva might have asked for notice under laws of the ground, but in this case she was ready with all the facts and figures which were not germane to the issue under discussion today. That is my submission. Why was it done unless there is some reluctance on the part of the Government, in a section of the Government? It may not be the

Prime Minister, it may not be Mr. Chidambaram, but it is there.

Another unfortunate thing, Madam, is, why were names repeatedly talked about? It was not necessary at this stage. We know that quotation, "...The good is oft interred with their bones". I am sorry, I don't remember the other part of it. But not so about any lapse, if there was.

THE DEPUTY CHAIRMAN: Prof. Bhattacharya...

PROF. SAURIN BHATTACHARYA: But why should the Congress benches repeatedly refer to him—with what intention? Therefore, I request the Prime Minister, in the background of what Mr. Solanki did and in the background of this psychology reflected by the Congress (I) Party regarding the intentions of the Government...

THE DEPUTY CHAIRMAN: Now, Prof. Bhattacharya...

PROF. SAURIN BHATTACHARYA: Only two more points. The significant fact is...

THE DEPUTY CHAIRMAN: The Prime Minister has to speak, please.

PROF. SAURIN BHATTACHARYA: ...Mr. Solanki had handed over the letter to the Swiss Foreign Minister, and a CBI delegation which was to go to Switzerland cancelled its visit in the first week. Was there a causal link?

And the news of this handing over of the letter, it is said, was received in Delhi some five days before it came before Parliament, and it is significant that on the 26th of March the Government sent an unambiguous letter to the Swiss Government that the enquiry has to be pursued vigorously. I think it is from that point that it has to be reiterated.

Thank you, Madam.

उपसभापति : राम अवधेश जी, अब तो कुछ रहा नहीं।

श्री राम अवधेश सिंह : कुछ है।

उपसभापति : अगर कुछ है तो वह जल्दी से बोल दीजिये। लंबी स्टोरी मत कहियेगा। एक मिनट।

श्री राम अवधेश सिंह : उपसभापति महोदय, मैं यह मानता हूँ

SHRIMATI JAYANTHI NATARAJAN: It is a challenge to you, Madam.

THE DEPUTY CHAIRMAN: I have been sitting for six hours.

श्री शंकर दयाल सिंह : जनता पार्टी से बड़ी पार्टी लोकदल है।... (व्यवधान)...

श्री राम अवधेश सिंह : दृष्टि में जनता दल से बड़ा दल है। काया में जनता दल बड़ा है। उसका हाथी जैसा शरीर है लेकिन चींटी जैसे प्राण है।

श्री शंकर दयाल सिंह : मैं ने क्या कहा? जनता पार्टी से बड़ी पार्टी है लोकदल।

श्री राम अवधेश सिंह : मैं जनता दल को ही कह रहा हूँ। जनता दल का हमारी तुलना में हाथी जैसा शरीर है लेकिन जनता दल के चींटी जैसे प्राण है क्योंकि उसके पास दृष्टि नहीं है।

एक माननीय सदस्य : दूरदृष्टि नहीं है।

श्री राम अवधेश सिंह : महोदया, मैं यह कहना चाहता हूँ कि दोनों ओर के ककीलों की तरफ से बहस होने के बाद फैक्ट्स दोनों तरफ से रखे गये हैं। मैं यह कहना चाहता हूँ कि इससे इस बहस का तो करीब करीब अंत हो गया है, दोनों ओर से वकालत हो गयी है। मैं कहना चाहता हूँ इस बीच में कि बोफोर्स एक एडजक्टिव हो गया है। इसमें इतना सदन और देश का समय गया है और अब इसमें एक एडजक्टिव का रूप धारण कर लिया है। बोफोर्स का मतलब होता है करप्शन, सार्वजनिक करप्शन, पोलिटिकल करप्शन, यह अपने आप इससे ध्वनि निकलती है। महोदया, मैं इसमें दो-तीन चीजें कहना चाहता हूँ। मैं चाहता था कि सरकार की ओर से इस पर कुछ बात कही जाती कि इस बारे में, बोफोर्स के बारे में सरकार की दृष्टि क्या है। बोफोर्स क्या है? जनता को गुस्सा क्यों आया? बोफोर्स एक ऐसा शैतान है, ऐसा राक्षस है जो इसको बचाने की कोशिश करता है, यह उसको खा जाता है। राजीव गांधी की सरकार को यह खा गया और अगर कोई भी इसके साथ जरा भी छेड़छाड़ करता है या इसको बचाने की कोशिश करता है तो यह बोफोर्स उसको खा जाता है। पता नहीं कि यह किन किन को आगे आने जाने वाले दिनों में खा जायेगा। इसमें यह गुण है। तो मैडम, इसमें मैं एक चीज कहना चाहता हूँ। आप जरा ध्यान से सुनिये।

उपसभापति : मैं 6 घंटे से क्या कर रही हूँ यहां?

श्री राम अवधेश सिंह : महोदया, आप इधर उधर ताकती हैं ना और मैं आपको एड्रेस कर रहा हूँ इसलिये आप मेरी ओर देखिये।

महोदया, मैं यह कह रहा हूँ कि जनता में बोफोर्स को लेकर क्यों गुस्सा है? क्यों यह सरकार को निगल गया? जनता ने सरकार को क्यों निगला? यह इसलिये कि सार्वजनिक सम्पत्ति का दुरुपयोग का, सार्वजनिक सम्पत्ति की लूट का एक नक्शा जनता के बीच में आया। महोदया, आप जानती ही हैं कि इस देश में एक बोफोर्स नहीं हो रहा है। यह बोफोर्स कानूनी लड़ाई में और कोर्ट के सस्पेंशन में फंस गया है। लेकिन अभी जांच की जाय तो पायेंगे कि इस देश में कई बोफोर्स चल रहे हैं। जहां कहीं भी सार्वजनिक सम्पत्ति का सवाल है, माडर्नाइजेशन पर....

THE DEPUTY CHAIRMAN: No steel modernisation issue, nothing. No, you cannot go beyond the purview of the debate. आपको मैं स्टील पर नहीं जाने दूंगी। बैठिये। ही अंडरस्टैंड। नाऊ मंत्री जी बोलेंगे।

श्री राम अवधेश सिंह : महोदया, 51 करोड़ की सम्पत्ति को लेकर सारे देश में इतना आंदोलन हुआ और स्टील.

THE DEPUTY CHAIRMAN: No, no.

श्री राम अवधेश सिंह :... माडर्नाइजेशन में एक हजार करोड़ से अधिक का घपला हुआ है। माननीय प्रधानमंत्री जी सुन लें तो अच्छी बात हो।

उपसभापति : इस पर बिल्कुल न जायें। It will not go. Anything other than Bofors should not be discussed. I cannot permit, I will not. I am not going to permit anything other than Bofors.

श्री राम अवधेश सिंह :*

उपसभापति : बैठिये, बैठिये। बोलिये मंत्री जी आप बोलिये (व्यवधान) Don't write.

श्री राम अवधेश सिंह :*

उपसभापति : बोफोर्स के इलावा इधर-उधर की बात बोलेंगे तो वह नहीं आएगी। We are discussing Bofors. We have spent so much time on it only. Only Bofors and nothing else will go on record. बोलिये, कृष्ण कुमार जी आप जरा जोर से बोलिये।

श्री राम अवधेश सिंह : अच्छा अंत में एक सवाल पूछना चाहता हूँ। क्या यह सरकार आक्षेप करेगी कि जो कई बोफोर्स देश में हो रहे हैं (व्यवधान)*

उपसभापति : कोई बोफोर्स नहीं हो रहे हैं। कृष्ण कुमार जी आप बोलिये। (व्यवधान) यह जो डिसकशन हो रहा है सिर्फ उसी के बारे में बात होगी, इधर-उधर की बात नहीं चलेगी।

श्री राम अवधेश सिंह :*

* Not recorded.

उपसभापति: कृष्ण कुमार जी आप बोलिये। जोर से बोलिये, मंत्री जी माइक पर बोलिये।

श्री राम अवधेश सिंह : *

SHRI S. KRISHNA KUMAR: Madam, I am making a very brief reply as a technical requirement because I had made the opening statement on behalf of the Ministry of Defence.

My able colleague Smt. Margaret Alva, who deals on a day-to-day basis with the Bofors investigations and the pursuit of it by the CBI as well as Shri Chidambaram have brilliantly answered the questions and clarified the issues raised by the hon. Members.

We have, in the Statement, attempted to detail the entire tortuous course of the investigation and have highlighted the cutting edges where action is due and how we intend to proceed further with the investigation on all the fronts. I had also clarified in the very beginning that the CBI had sent letters on 24th and 26th March, 1992 explaining that the Supreme Court of India has held that the FIR and the letter rogatory remained unaffected and can be proceeded with and explaining further that the pendency of Shri W.N. Chadha's writ petition in Delhi High Court should not have any influence whatsoever on the on-going investigation in Switzerland. I am also happy to report that we have information from the CBI that the Department of Justice and Police of Switzerland have confirmed that they have received this communication and this message. In addition, the Government's position has been clarified by no less a person than the hon. Prime Minister; and thereafter a message had been sent yesterday reiterating this position. Therefore, many of the points raised by the hon. Members become infructuous in so far as a strong message has already been communicated to the Ministry of Justice of Switzerland.

I had also clarified that the Press report which had come this morning and which purports to contain a copy of the note handed over by the Minister for External Affairs does not contain anything new in so far as we have conveyed the message unambiguously to the Ministry of Justice of Switzerland. There is no

further relevance whatsoever to anything contained in today's press report. Madam, I have before me the stage at which the CBI enquiry stands on each of the various fronts of this very complicated case. I do not want to elaborate this because I do not want to extend the debate further. I would only say that in Switzerland, the CBI has addressed the Department of Justice and Police to assist them in the speedy perusal of the case. The Government of India have reiterated their position in Sweden, as Shri Chidambaram has mentioned. The secret position of the SNAB report though not published has been used in the investigation. We are examining further course of action to start the enquiry by the District Prosecutor. So far as the appeal is concerned, it has now been rejected on the 10th March. In India all possible steps are being taken to expedite early hearing of Shri W.N. Chadha's petition in the Delhi High Court, though I would like to add that I agree with the hon. Member, Shri Jaipal Reddy that it is not very relevant to the pursuit of the investigations abroad.

I would only touch upon very briefly some of the queries raised by the Members which were not answered by my colleagues. One was, why the petition filed by Shri W.N. Chadha in the Delhi High Court had not been effectively opposed? We have effectively opposed it. We have directed the Counsel to file a petition before the court for obtaining an early hearing. That is all that can be done. An urgency hearing petition is being prepared and will be filed before the High Court requesting for an early hearing of the matter. The Government has not transferred the petition to the Supreme Court because that was the advice tendered by the Law Officer. He had opined that there is no ground for getting the writ petition transferred to the Supreme Court. Moreover he has said that the petition filed by a Member of the Janata Dal for transfer of this matter to the Supreme Court has already been dismissed by the Supreme Court.

There was no delay in sending the Supreme Court order to Switzerland. We got the order on 27/8 and immediately thereafter, within three days on the 30th

* Not recorded.

the gist of the order of the Supreme Court was telefaxed, followed by certified copies.

Shri Jaipal Reddy said that two affidavits were sent in succession to the investigating agencies or the courts in Switzerland. This is entirely incorrect. Only one copy of Shri W.N. Chadha's petition was sent on 17.9.1991 to our Advocate to keep him abreast of developments because it was required by him. This copy was asked by our Advocate and was sent accordingly. It was not sent to the Swiss authorities or even to our Embassy and no second copy was sent.

About Shri Madhavan and the other officer, my colleague, Smt. Alva has answered that one officer was transferred to the post against which he was promoted, the other officer left the CBI on promotion at his own request. I would like to add that the investigating officers dealing with the case since the registration of the FIR continue to be the same. They include Mr. R. M. Singh, now DIG in charge of the case, Mr. Umesh, DSP, Chief Investigating Officer and Mr. A. K. Malhotra, DSP, official Investigating Officer of the case. The bulk of the officers of the team thus continue to be the same.

There is no delay whatsoever in preferring of the appeal against the decision of Mr. Lars Ringberg. The investigation was closed in January. The final decision of the authority was communicated to CBI only in June, 1991. Immediately the Advocate of the CBI at Stockholm was consulted and directed to file an appeal. The Advocate prepared the draft and sent it to us in November. He suggested a meeting before it was filed. The appeal has been filed and as I said, it stands rejected.

The suggestions of Shri Dipen Ghosh that the Indian Penal Code should be used against our former foreign Minister for obstruction of justice and then that whoever delays the judicial process should be prosecuted for contempt of court, are too far-fetched to deserve an answer.

Many references were made to the episode of the Minister of External Affairs. Our distinguished former Foreign

Affairs Minister has sacrificed his ministerial position at the altar of the highest traditions of democracy. We all know that he is an honourable man and there is nothing further to be said about it.

Madam, some mention was made about the statements by Shri P. Chidambaram, Shri Chandulal Chandrakar and Shri Ghulam Nabi Azad. I would like to say that they never said that the Bofors investigation should be stopped. They only said that the persecution, the continued persecution, of the memory of Shri Rajiv Gandhi should be put an end to. That is the spirit of their statements.

Finally, Madam, the trial by innuendoes and character assassination should stop. The spirit of the hon. Prime Minister's statement yesterday and the statement which is going to be made today may be imbibed by all of us. As Shri Chidambaram said, the nation upholds the rule of law. The investigations will be carried steadfastly by us within the framework of the law. We have no doubt in our mind that the great contributions, the epoch-making contribution, of our leader Shri Rajiv Gandhi to the country and the world will be acknowledged and lauded by posterity and his place in the history of the country will be secure. Thank you.

THE DEPUTY CHAIRMAN: Mr. Ambedkar, do you still have something to say?

SHRI PRAKASH YASHWANT AMBEDKAR (Nominated): Yes, Madam. I do have something. I will be as brief as possible. This is an 18th February 1992 report. "Mr. Anderson, in an interview with 'The Statesman' tonight said that the Nobel Industries source was talking now after the lapse of so many years for the sake of the Swedish Prime Minister who was killed". This is very important and I think we have not noticed it. Mr. Bhatia referred to the radio report which was there from the Swedish Radio on the incidents which have taken place and the information that was revealed after the Prime Minister was killed. From the Indian Government, we have not been able to hear any news about Bofors. I have been in this House for more than one year and I have been

[Shri Prakash Yashwant Ambedkar]

outside the House before that. Whatever information I have been reading has always come from the Swedish Press or from other sources.

SHRIMATI JAYANTHI NATARAJAN: How many times have you raised it?

SHRI PRAKASH YASHWANT AMBEDKAR: Whether I raised it or not does not matter. It is not that matter which I am raising. Are we having control over the situation which we are faced with? That is the most important question. The question is whether we are having control over it. What I have heard from Mr. Chidambaram is that the matter, as far as he sees, is closed. If you do not have a judgment on the 5th in our favour, the matter is closed. Then, on the question of perjury and on the question of bribery, as far as Sweden is concerned, even those people who are involved will go scot-free. That is the situation. If I look into the aspect of the news that has come and if the news that is being disclosed is linked with Bofors, then I may say that new revelations might come in. And if new revelations come in, I would like to ask the hon. Minister, what sources they have got, what system they have got, what machinery they have got, to see that no further damage is done as far as the country's reputation is concerned. It has already been said that a certain amount of money has been given as commission. Who has received it, is a different issue. The names might come after ten days, the names might come after three months. But here, it is a question of the stability of the Government. We see that every time some news from the other side leaks in, the stability of the Government is in question.

After the fifth, if the decision goes against us, what machinery do we have under our control to see that the damaging documents that may be published—if

I may see the link between the killing of the Prime Minister and the Bofors—if it is there, what machinery do we have at our disposal whereby we can stop it and save the prestige of the nation? Thank you.

SHRI P. V. NARASIMHA RAO:

Madam, we have had a long and useful debate. All points have been covered. What I have to do, as I see it, is to reiterate what I have said earlier, namely that the message that has come loud and clear from these debates is that we want the truth to come out and I would like to repeat once again, that is how it shall be. There will be no question of sparing any effort when getting at the truth. Yesterday, I had promised to make this abundantly clear on behalf of the Government, as distinguished from the CBI, that the Government's intention is exactly the same. We reiterated it. Within two hours of my promise, the message was clearly conveyed to the effect that the note handed over by Shri Solanki, should be totally ignored. It should not be treated as an official or any category of communication from the Government of India. The Government of India's policy is, and will continue to be, to seek an effective investigation into the Bofors affair. The Government of India requests the Swiss Government to render all possible assistance in the matter. We did not take more than two hours. After the debate, I personally got this done and the latest that we got is that our Ambassador in Berne is meeting the Director of Second Political Division of the Swiss Foreign office at 5.30 P.M. Swiss time, that is 9.00 P.M. IST, tonight, to formally convey our request, which he has already communicated on the telephone. The Swiss Foreign Minister is not in town. The Ambassador has been assured that the Swiss authorities will take appropriate follow-up action. This is the assurance given from the other side. So, there is nothing more to add factually to what has been done. I have been thinking within myself whether it is a good thing to look over the shoulders of the investigating

authorities while they are investigating. This is not done and I have made it a point not to call anyone from the CBI, not only on this, but on any matter they are investigating. I am in charge of the CBI. That is for administrative purposes just like the Law Minister is the Minister for the Law Ministry for administrative purposes. He does not go into the opinions that are given by the Law Ministry from time to time. He does not influence. He does not take any sides. He does not take any decision. So I have taken this line, what I said on the very first day of assuming office to the press, namely, that the law will be allowed to take its course. I should stick to that and I have stuck to that. Yesterday, however, when officers' names had been brought in the debate, as was done today also, and different opinions were expressed, the matter took a different complexion. Is an officer good or is an officer bad? Is an officer honest or is an officer dishonest? If this becomes a subject-matter of the debate of this House or the other House, there is an extra dimension added to this. If an officer does something, according to one section of the House, he has done a very good thing; according to the other section of the House, he has done a very bad thing. This is how it will be portrayed. I find this unfortunate. No officer will be able to do anything at this rate. I feel, after having promised to keep myself informed hereafter as a result of these charges and counter-charges, at this moment that my action is likely to be stymied. What do I do with the posting of officers? Am I to suppose that a set of officers appointed at a particular time is to be constantly there for all time? I think it is an untenable situation, unacceptable situation. But this is what has been urged from time to time. If a person goes on leave, if a person goes on promotion that becomes an issue. Is this how we run an investigation agency? Is this how we run the administration? At that rate if one officer has been dealing with one case, should that officer continue until the case is completed? Is that a principle of administration? I am not able to convince myself that it is so. But I will not go into that. I am only raising the point: if an officer goes on long leave, for instance, or, if an officer retires, what do

we do? The head of the CBI is likely to retire. Now, what do I do? Do I or do I not place anybody? Or, do I give him an extension because I find him wonderfully good? I have taken a decision not to give extensions. For the last nine months not a single extension has been given to any officer. Tomorrow I am going to face this problem, this question. I would like to yield if there is any advice forthcoming on this. But I am flagging this because I am going to face this question. All I can say is that I want the House to believe me. I want the people of India to trust me, not go into who is posted, who is transferred, what is being done. I have decided to keep myself informed of the course of this investigation, more as a result of what transpired in the debates than any question of administrative principle. But I will stick to that position.

These questions are going 8.00 P.M. to arise. So I want the House to appreciate that in matters of administration if we start expressing opinions for or against any person, we are not really doing justice to either our administration or to ourselves or to our own image. This is never done. I appeal to the Members that this should not be done. We can certainly find one good officer as good as another. If there is need for a change, change will have to be made. If every change is criticised, then administration comes to a standstill. That is all. That is likely to happen. Please do not do this. In the name of good administration, in the interest of good administration of any country, this thing should not be done, because ultimately it is the officer who suffers; the case of course suffers. I have seen many officers asking for transfer. They don't want to come into the crossfire in Parliament, in the newspapers. They come to me with folded hands, "please transfer us. We don't want to be here." Is this what we should be doing to our administration? Is this what we should be doing to our honest officers, good officers, efficient officers found to be suitable for a post? We make him controversial and then he wants to run away. At this rate who will come and do any responsible job? This is what I want the hon. Members to appreciate. For the rest I will do

[Shri P.V. Narasimha Rao]

my best, without fear, without favour, without being influenced which I have never been. And so help us God. According to law, the law of this land, the law of the other land because the MOU says that if they have to assist us the condition is that it should be a crime there, it should be a crime here, if there has been any difference in the criminal laws, substantive criminal laws of the countries, that will have to be seen. But I am only flagging this point once again because I don't think that the terms of the MOU have been debated in this House. In fact that is the basis. They should have been. On some other occasion, maybe, we could do that. What are we talking about? What we are talking about is what we are doing? Is it in conformity with what both the Governments have agreed or not? this is what needs to be seen first, first and foremost. Now there is no time to do that. But that MOU is of the essence not only in this investigation but in every investigation in which the MOU is going to be invoked for assistance either from us or from them. That is going to be the Magna Carta. That is going to be the basis. We should understand it. If we don't like anything in it, we should ask to get it amended, if they agree. So, this Mou is the basis on which every debate has to be held, every decision has to be taken. If they ask for some assistance from us which is quite likely, then we will have to apply the same principles. Therefore, these are the four corners within which our action would have to be taken. I would like to assure the House that within the MOU we will do everything, within the MOU we will get everything done by them, by the other side, to help us. If that happens, I am sure the truth will come out, whatever it is. This is the faith this is the confidence with which I am assuring the House once again that justice will be done. The law will take its course. I am sure that we will have the satisfaction irrespective of the regime. A regime wise record has been brought before the House, but I think it is all one

investigation. It is all one transaction. Just for the sake of clarity it has been broken up regimewise. But otherwise it is just one investigation. Therefore the time has come when we are getting closer to the end of the investigation as one can see. Let us await the results of what the court in the other country says and that is where the matter should stand. Thank you very much, Madam and I thank all the Members... One point, Madam. I was not here when one hon. Member asked a pointed question. On the day on which Mr. Solanki handed this note I was in New York. That is what I wanted to inform the House. Thank you, Madam ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Now, it is too late. The discussion on Bofors is closed, now that the Prime Minister has replied and I do not think Members are in a mood for special mentions....

SHRI SHANKAR DAYAL SINGH: Madam, now we have to take up the half-an-hour discussion. I am waiting since 4 days....*(Interruptions)*...

उपसभापति : आप हाफ एन ऑवर पर बोल चुके हैं इसलिए आप तो बोलेगें नहीं।

SHRI SHANKAR DAYAL SINGH: But the Minister is here*(Interruptions)*...

उपसभापति : शंकर दयाल जी, आप तो बोल ही नहीं सकते उस पर क्योंकि आप एक घंटा बोल चुके हैं।

श्री शंकर दयाल सिंह : मैडम, ठीक है। मैं न बोलू, आप मंत्री जी से बुलवा दीजिए। (व्यवधान) ...मैडम, मैंने यह कहा कि मैं बोल रहा हूँ आप मंत्री जी से तो बुलवाइए। ...*(व्यवधान)*...

THE DEPUTY CHAIRMAN: If the members so agree that the House should be adjourned, I will adjourn the House ...*(Interruptions)*...

The House is adjourned till 11 A.M. tomorrow.

The House then adjourned at eight minutes past eight of the clock till eleven of the clock on Friday, the 3rd April, 1992.