

[Shri Ghulam Rasool Matto]

With regard to the necessity of the Ordinance, there is a very valid reason. The reason why this measure was not brought in the last session is that advance tax was taken into consideration although, I should say, the officials in the Ministry of Finance should have taken it into consideration and brought out the Bill in the very last session. But the fact remains that the advance tax could not be levied unless Ordinance was issued, before 30th September. This was the necessity. My friend Mr. Jaswant Singh had asked about it.

There are many other points also but since at 4 O'clock we are taking up another issue, I would end by saying what I said yesterday when you were not here, and I spoke on the Appropriation Bill. I referred to a report and I refer it not as a matter of criticism, and that was about a report which said that by 1992-93, the Reserve Bank of India study says, that whatever borrowings would be collected in that year, that would be sufficient only to meet our requirement of interest payable on our present borrowings. These are very high at the present moment. So, I suggested not as a matter of criticism, that a working group on a war footing should be constituted in the Ministry of Finance with top economists and they should be told of this malady and to find out the remedy. This is not a responsibility for Mr. Gadhwani or Mr. N. D. Tiwari alone. It is the responsibility of all of

4 00 P.M. us including Prof. Nirmal Chatterjee. (Interruptions).

This is a national issue. This is a national necessity. The difference between your and my saying is that you said it by way of criticism and I said it from the point of view of introspection and self-appraisal and suggested that a remedy has to be found. I want that the remedy should come from the Finance Minis-

try. This should be taken note of. With this concrete suggestion, I support the Finance (Amendment) Bill.

### SHORT DURATION DISCUSSION ON THE REPORT OF JUSTICES THAKKAR-NATARAJAN COMMISSION OF INQUIRY INTO UTILISATION OF FAIRFAX GROUP INC.

THE DEPUTY CHAIRMAN: Now, we take up the Short Duration Discussion.

श्री जसवन्त सिंह (राजस्थान) : महोदया, मैं यही पूछना चाहता था कि शाम को कितने बजे तक बैठना है ?

उपसभापति : जितनी भी देर बैठना पड़े, उतनी देर तक ।

श्री जसवन्त सिंह : हमें मालूम हो जाये कि कितने बजे तक बैठना है ?

उपसभापति : मुझे लगता है कि दो घण्टे में तो यह समाप्त नहीं होगा । शायद 8, 9 या 10 बजे तक बैठना पड़े । तो जैसे ही समाप्त हो जायगा ।

श्री जसवन्त सिंह : क्या आज ही समाप्त करना है ?

उपसभापति : जहां तक हो सके, आज ही करना है । वैसे आज ही करना है क्योंकि आज जो और दो बिल थे पहले, उसमें मे एक भी बिल पास नहीं हुआ है, उसके लिए कल फिर मे टाइम जायगा । इसलिए आज ही खत्म करना है ।

श्री बी. सत्यनारायण रेड्डी (आंध्र प्रदेश) : कोई समय निर्धारित नहीं करेंगे ?

उपसभापति : अगर जैसे ही मैं बेल बजाऊं, आप लोग अपना भाषण समाप्त करे तो मैं कुछ इसके बारे में निश्चित बता सकती हूं ।

SHRI NIRMAL CHATTERJEE (West Bengal): Madam, we have built up a tradition where the Short Duration Discussion goes on for four days. How can we deviate from that today?

THE DEPUTY CHAIRMAN: That is no precedent. This is not to be quoted as a precedent

श्री चतुरानन मिश्र (बिहार) : उप-सभाध्यक्ष महोदया, मैं प्रस्ताव करता हूँ कि न्यायमूर्ति ठक्कर-नटराजन कमीशन की फेयरफैक्स के संबंध में जो रिपोर्ट इस सदन के पटल पर 9 दिसम्बर, 1987 को रखी गई थी, उस पर सदन विचार करें।

उपसभापति : जी बोलिए।

श्री चतुरानन मिश्र : उपसभापति महोदया, मेरा तो ऐसा ख्याल था कि विश्वनाथ प्रताप सिंह जी पहले बोलते और दूसरे पक्ष की बात भी हमें मालूम हो जाती तो हम लोग और भी मही ढंग से इस गंभीर समस्या पर विचार कर सकते थे। ... (व्यवधान) ...

श्री जगन्त सिंह : आप पहले विश्वनाथ प्रताप सिंह जी को अनुमति देती, यह तय भी हो चुका है।

उपसभापति : तय हो चुका है, पहले जिन्होंने इनीसियेट किया है, जो सिगनेटरी है, उनको एकाइजेंट दी रूल पहले देना पड़ता है।

श्री जगन्त सिंह : जब आपस में हम तय कर चुके थे, आप क्यों बीच में आ रही हैं?

उपसभापति : मैं बीच में नहीं आ रही।

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : अच्छा होगा विश्वनाथ प्रताप सिंह जी को पहले बोलने का मौका दें ताकि हम इनकी भी बात सुन लें... (व्यवधान)

उपसभापति : इसके ऊपर चर्चा हुई है और यह तय हुआ है कि जिन्होंने पहले इनीसियेट किया है, यह नाम है जो सिगनेटरी थे, पहले इनको देना चाहिए एकाइजेंट दी रूल। लेकिन इसमें यह भी है कि श्री बी.पी. सिंह जी को चास देना चाहिए, जितना जल्दी हो सके, सो आप इनीसियेट कीजिए, उसके बाद रूलिंग पार्टी की तरफ से एक मदस्य बोलेंगे, बाद में बी.पी. सिंह साहब बोलेंगे।

श्री चतुरानन मिश्र : तो मैं यह कह रहा था कि जहां तक मूल विषय है कि फेयरफैक्स कंपनी का जांच करने के लिए दिया जाय या नहीं तो मेरी पार्टी को और मझे इस पर बिना कमीशन के ही विश्वास था कि फेयरफैक्स जैसी कंपनी को जहां सी.आई.ए. के लोग भरे हुए रहते हैं किसी भी तरह के मामले में, हमारे भीतरी मामले में उसको मौका नहीं देना चाहिए दखलादाजी करने का। लेकिन शासक पार्टी को गहरा शक था कि फेयरफैक्स ऐसा नहीं है इसलिए उन्होंने इस तरह का काम किया था। यह हम लोगों को शक नहीं था।

जहां तक कि महोदया, अभी प्रधानमंत्री जब अमरीका में लौटे तब भी उनको शक रह गया था कि सी.आई.ए. वाले ऐसा नहीं करगे ऐसा उन्होंने वचन दिया है। यह कमीशन तो उनकी सफाई के लिए था। लेकिन जो मूल विषय है उसके संबंध में हम कहना चाहेंगे कि यह कमीशन की रिपोर्ट है, यह हम री न्याय पद्धति का गर्भपात है। यह जो हमारे देश में बड़े पैमाने पर विदेशी मुद्रा की चोरी करते हैं उन चोरों के यह कमीशन की रिपोर्ट लूट की छूट का ऐलाननामा है और यह सुरक्षा की दृष्टि से बिल्कुल एक गी है। डा. नटराजन कमीशन ने इतनी मेहनत की लेकिन एक भी सही बात वह नहीं कह सके जो कि अब्बागों में आइडेंटिफिकेशन में नहीं आ चुकी हो। इतनी मेहनत के बाद वह कमीशन एक मुद्दा भी नया निकाल कर नहीं ला सका। इस कमीशन की

[ श्री चतुरान मिश्र ]

रिपोर्ट में जो रिपीटीशंस हैं प्रेस कंटिंगस हैं उन्हें हमारी लायब्रेरी अच्छे से जम कर सकती थी। उपसभापति महोदय, जो मूल विषय इन्हें जाचने के लिए दिया गया, इस सबध में यह कुछ नहीं कर सका। यह अत्यंत दुखद है। उपसभापति महोदय, मैं इस बात से बहुत दुखी हूँ कि हमारे सर्वोच्च न्यायालय के लोग इस ढंग से काम करें। यह अत्यंत दुखद बात है। मैं इस सदन के लोगों को बताना चाहता हूँ कि इससे जो सबसे महत्वपूर्ण बात हमारे सामने आई, वह यह है कि, जैसा कि इसकी टर्म्स आफ रिफरेंस में भी दिया गया है "फैक्ट्स एंड सर्वेक्स्टेंसेस" जिसके लिए फेयरफैक्स को एनगज किया गया। पहली बात है कि एनगज किया गया या नहीं? दूसरा सबसे बड़ा मुद्दा है वह फैक्ट्स एंड सर्वेक्स्टेंसेस जिसके मातहत उसको बहाल दिया गया या तनात किया गया। अगर इस मुद्दे पर कमीशन विचार करता तो इस देश का बहुत बड़ा कल्याण होता और शासक पार्टी के लोगों का भी भला होता क्योंकि हमारे देश के अंदर जो लोग विदेशी मुद्रा की चोरी कर उसे दूसरे देश में जम कर रहे हैं, यह राष्ट्रद्रोह का काम वे कर रहे हैं। इस पर तथ्य जमा किए गए। लेकिन दुखद बात है कि इस मुद्दे पर कमीशन गया ही नहीं। उसके सामने कुछ एवीडेस भी आए तब भी सरकार से उसने नहीं पूछा कि उन लोगों की सूची क्या है? उन लोगों की सूची क्या है, जो भलेमानम यहां में दौलत चुरा-चुराकर विदेशों में रखते हैं? अगर यह सूची मिल जाती तब भी यह देश समझता कि यह सफेदपोश लोग कैसे कलाकार हैं लेकिन इस कमीशन ने यह भी नहीं किया। इस पर विचार ही नहीं किया। उपसभापति महोदय यह अन्यन्त ही दुख की बात है और हम समझते हैं कि सबसे बड़ा मुद्दा हमारे सामने यही है। यह शासक पार्टी के लिए भी जरूरी था कि वह इसको करती। लेकिन उपसभापति, महोदय, क्या किया जाय, हमारा देश का अजीब हाल है। देश-भक्तों में बंटवारा हो गया है। कोई रिलायस

मार्का पेट्रयोट है तो कोई गोयनका मार्का पेट्रयोट है। अखबार भी उसी ढंग से कह रहे हैं। दूसरे लोग भी उसी ढंग से कह रहे हैं। दुख है कि यह कमीशन भी इस अभियोग से बच नहीं सका। अगर वह दोनों तरफ की सूची प्रकाशित कर देता तो हम सभी लोग खुश होते कि कम से कम न्याय धीरो ने ऐसा काम किया है जो कि हमारे लिए और सरकार के लिए प्रेरणादायक है।

उपसभापति महोदय, मैंने कहा कि यह न्याय पद्धति का गर्भपात हो गया है। ऐसा मैंने क्यों कहा? दिग्दर्शक प्रताप सिंह जी की बिना अनुमति के यह फेयर फैक्स कमेटी विटायी गयी। उपसभापति महोदय, जैसा कि मैंने कहा कि उनकी अनुमति फेयरफैक्स के बारे में नहीं थी। उन्होंने यह अनुमति दी थी कि विदेशी कम्पनी का भी खुफिया कार्य के लिए इस्तेमाल किया जा सकता है। यह उनका जबानी आदेश था। बाद में जब वे रक्षा मंत्री हो गए, तब उन्होंने उस पर उमे लिख भी दिया। वैसे कमीशन ने कहा है कि रक्षा मंत्री के लिहाज से उनको नहीं लिखना चाहिए था, लेकिन जब कमीशन इतने लंबे दौर तक चला और सारी रिपोर्ट लिखकर उसने अंत में पोस्ट स्क्रिप्ट लिखा तो जब उसकी भी बात बाकी रह जाती है तो रक्षा मंत्री की भी रह गयी होगी। अगर यही तरीका है, इस देश में तो इसके लिए हम क्या कर सकते हैं? लेकिन जो मूल विषय था उसमें कमीशन नहीं गया। हमारा स्थान है कि प्रधान मंत्री के नोलेज में भी यह बात नहीं दी गई। यह भी दुखद बात है क्योंकि प्रधान मंत्री ह तो सरकार चलाते हैं। वे वित्त मंत्री भी थे काफी दिनों तक। उस अवधि में भी काफी समय तक फेयरफैक्स को हटाया नहीं गया था। पहले वित्त मंत्री ने उनकी राय से किया या नहीं किया, यह तो वही आपको बतायेगे, लेकिन सारी प्रक्रिया ऐसी हो गयी है।

कमीशन ने कहा है कि इंटर कारपोरेट वार चल रही है और उसके चलते ये बातें हुईं। तो यह सामने लाना चाहिए कि इंटर

कारपोरेट चार क्या-क्या हो रही है, दोनों पक्षों के लोग क्या चल-चला करते हैं और कैसे हमारे मंत्रियों पर दबाव डाल कर या प्रशासन पर दबाव डालकर काम कराते हैं। यह बातें इसमें विलकुल गहरी आसकी और इसलिये यह न्याय का काम कमीशन ने नहीं किया। अगर यही हमारी माइडिंग लाइन होगी तो कल किसी पर भी कोई अभियोग लगा देगा और अगर कहेंगे कि साबित करो तो कहेंगे कि साबित करने की क्या बात है। ठक्कर नटराजन कमीशन ने कहा है कि कह दिया और वह कहना ही काफी होगा। हमारे वी० पी० सिंह और दूसरे लोगों को साक्ष्य लाने की इजाजत नहीं दी गयी और उनको कस इन्जायिनेशन की इजाजत दी गयी, तो इससे कमीशन की रिपोर्ट पर कोई नहीं विश्वास कर पायेगा। यह एकतरफा हो गया। जब यह आम जनता में जायेगी तो लोग यही कहेंगे कि बिना किसी जांच पड़ताल के इस गंभीर सवाल पर सरकार ने एकतरफा ऐसा एलान करवा दिया है और सरकार पर जब यह चार्ज आयेगा तो हमारे सर्वोच्च न्यायालय पर आक्षेप आयेगा और आम लोगों में उसकी इज्जत कुछ कम नहीं सकेगी। तो एक अच्छा काम जो होता उसको आपने इस बुरे ढंग से कराया कि जिससे तमाम लोगों की विश्वसनीयता इससे समाप्त हो गयी और हमारी न्याय-प्रणाली पर भी एक जबरदस्त धक्का लगेगा। सबसे ज्यादा दुःख की बात यही होगी।

एक और बात है। फैक्ट्स के बारे में ऐसा लगता है कि जल्दीबाजी में किसी ने डिकटेड करवाया है। ऐसी रिपोर्ट है। मैं ऐसा इसलिये कह रहा हूँ कि पेज 225 में देखिये। हमारे सदन के 6 माननीय और लोक सभा के एक माननीय सदस्य ने कमीशन को स्मरण पत्र दिया था किन्तु कमीशन ने रिपोर्ट में लिखा कि 7 लोक सभा के मेम्बर्स ने यह किया। रेकार्ड में राज्य सभा के मेम्बर ज्यादा थे। एक गंभीर समस्या थी। उसके लिये हमारे लोगों ने अगुवाई की, लेकिन उनका नाम न रखकर हमारे का नाम रख दिया। तो

ऐसा होने पर उनके जजमेंट पर भरोसा कौन करेगा ?

दूसरी बात, जो इस संवध में मैं कहना चाहता हूँ कि फेयरफैक्स ग्रुप के संवध में पेज 287 में कहा गया है कि फेयरफैक्स ने कोरियर का काम किया। तो जब कोरियर का काम किया तो कुछ कागज लाया होगा और अगर नहीं लाया तो कोरियर वैसे हो गया। अगर लैबेज यह रहती कि कोरियर के लिये इस्तेमाल की जाने वाली थी तब तो ठीक था, लेकिन वाक्य ऐसा है कि एक कोरियर का काम किया और अंत में है कि कुछ लाया नहीं। तो यह बँसा कोरियर था कि जो कुछ लाया नहीं। यह बात मेरी समझ में नहीं आयी। इसका स्पष्टीकरण किया जाय। यह अच्छी बात है कि विपक्ष ने इस सवाल को फेयरफैक्स को बहाल करने का सवाल पहले उठा दिया। शासक पार्टी ने उसको पहले नहीं उठाया। अब वह इसका इस्तेमाल करेगा क्योंकि विश्वनाथ प्रताप सिंह जब उनके साथ नहीं है। अब ज़ोरदार ढंग से वे कहेंगे कि स्त्यानाश हो रहा है। लेकिन आपने इसको नहीं उठाया और विपक्ष द्वारा समय पर यह बात उठाने से ही यह प्रकाश में आ सका।

दूसरी बात जो मैं कहना चाहूँगा वह यह है कि जब इतना गंभीर विषय था तो उसको बहुत ही लाइटली हल्के ढंग से हमारे जांच कमीशन ने क्यों लिया। उनके लिये इतना ही सीमित मामला था कि फेयरफैक्स के जिम्मे यह देने से हमारे देश की सुरक्षा पर खतरा आया या नहीं, इसकी आप जांच करिये। यही प्वाइंट था। उन्होंने इन-जनरल दे दिया कि कभी कोई इस्तेमाल ही किसी विदेशी डिटेक्टिव एजेंसी का नहीं किया जाए। मैं शासक पार्टी के माननीय सदस्यों से पूछना चाहूँगा कि अगर पाकिस्तान आक्रमण करने वाला है तो इसका पता हमको कौन लगाकर देगा ? वहाँ के किन्हीं लोगों को हमको तय करना पड़ेगा कि हमको खबर लाकर दे कि वहाँ फला-फला तैयारियाँ हो रही हैं या कि वहाँ की सरकार से आपकी सरकार रिपोर्ट

[श्री चतुरानन मिश्र]

मंगाएगी जैसा कि रिपोर्ट में कहा गया है ? तब तो सत्यानाश हो जाएगा। अगर चीन हमला करने वाला है, मैं नहीं कहता हूँ कि वह करने वाला है, लेकिन अगर यह बात है तो आप कहाँ से रिपोर्ट लेंगे ? अगर हमारी सरकार को डिस्टेबलाइज करने के लिए अमरीका कोशिश कर रहा है, जैसा कि कमीशन ने कहा है कि अमरीका कई प्रजेंटों को हत्या कर चुका है, वैसे हमारे शक्तिशाली पार्टी के लोग कहते हैं कि वह लार्जस्ट डेमोक्रेसी आफ दि वर्ल्ड है, उसपर बहुत ही ज्यादा उनको भरोसा है, लेकिन कमीशन कहता है कि वह जनतंत्र की हत्या करने वाला है तो उसके लिए हमको यह पता लगाना है, तो अमरीका के किसी आदमी को हम फिक्स अप करेंगे जो वहाँ से रिपोर्ट देगा।

श्री मीर्जा इशार्दबेग (गुजरात) हमारी पार्टी के लोगों ने कहा है कि जो गैप्लीकेशन में श्री पवन कुमार वासल ने कहा है कि बाहर के लोगों को फिक्स करना है तो उसके लिए कुछ नियम होने चाहिए कि उनको किस ठग से फिक्स करें...

श्री चतुरानन मिश्र : हम उसका समर्थन करते हैं लेकिन बहुत गंभीर बात को इस कमीशन ने हल्के-फुल्के ढंग से उड़ा दिया तो उसकी बात पर कौन विश्वास करेगा ? कोई भी सरकार चल नहीं सकती है बिना किसी प्राइवट डिटेक्टिव के। लेकिन यह अल जहर रखनी चाहिए कि जो रिपोर्ट उसने दी है वह ठीक है या नहीं। कुछ लोग कहते हैं कि विदेशों से जितनी चीज आ जाए वह कुरान है, वह सीता है। दुर्भाग्य है इस देश का कि इतने दिनों तक गुलाम रहा, फिर भी उसके देश में यह धारणा है कि जो चीज विदेशों से आए वही अच्छी होगी। लेकिन इस तरह की कोई आम अनुशंसा तो हो। हमको सूचना ही नहीं मिलेगी तो सरकार काम कैसे करेगी ? इसलिए मैंने कहा कि जिन उद्देश्यों के लिए हमने इसको बहाल किया था उसमें यह कमीशन बिलकुल असफल हुआ है।

कमीशन ने कहा है कि हमारी सरकार विदेशों में अपने डाइरेक्टोरेट का एक अंग रखे, सरकार के लोग वहाँ जाए और पता लगाए। हमने सर्वोच्च न्यायालय के दो न्यायमूर्तियों को बहाल किया कि वह पता लगाएँ, लेकिन वे ए... भी बात का पता नहीं लगा सके। आप सात महीने में एक भी बात नहीं दे सके तो।

श्री राम अवधेश सिंह (बिहार) सात महीने में... (व्यवधान)

श्री चतुरानन मिश्र : सात महीने में तो ऐसी ही डिब्बाबंदी होगी। अमतौर पर 9 महीने लगते तो कुछ ही मकना है। इसलिए हमने पहले ही कह दिया कि यह मिस-कैरेज होगा।

श्री गुलाम रसूल मट्टू (जम्मू और काश्मीर) : बच्चा तो जिन्दा रहेगा... (व्यवधान)

श्री चतुरानन मिश्र : बच्चा तो जिन्दा रहेगा, आपका जब आशीर्वाद है तो जिन्दा रहेगा। लेकिन हमको जो सबसे ज्यादा दुख है वह यह है कि इस कमीशन से किसी ने सहयोग नहीं किया, कमीशन असहाय बनकर रह गया। जो सहयोग करने वाले थे, विश्वनाथ प्रताप सिंह, उनको बुलाया ही नहीं गया। ये चाहते थे, उसमें जाएँ, लेकिन इनको बुलाया ही नहीं। जिसको बुलाया वह आया ही नहीं। अजीब हालत है इस कमीशन की। इसलिए मैं सरकार में जानना चाहता हूँ कि यह जो हर्षमैन साहब जो विख्यात रहे हैं अपने कुकर्मों के लिए... (व्यवधान)

श्री मीर्जा इशार्दबेग : वृक्षान कहिए

श्री चतुरानन मिश्र : विधायक कहेंगा क्योंकि आपने उसको बहाल किया। अमरीका में एक भी एजेसी ऐसी नहीं है जो स... आई ए के जर्म्स वैरी नहीं करती। हर्षमैन ने फेयरफैक्स मामले में हमारे सर्वोच्च न्यायालय के दो जजों के साथ

बड़ा हो अपमानजनक व्यवहार किया। वह यवाही नहीं देता, कागज-पत्र नहीं देता और वही से वह मार रहा है और अभी भी कह रहा है, अज के ही अखबारों में मैंने यह पढ़ा। वहाँ वह कहते हैं कि मैं एक बवंडर सरकार को उड़ा सकता हूँ। राजीव गांधी को उड़ा सकते हैं। इस पर कुछ कार्रवाई की जानी चाहिए, चले किसी भी स्तर पर कार्रवाई हो। यह सिर्फ आपकी बात नहीं है, राजीव गांधी की बात नहीं है, हमारे देश के प्रधान मंत्री को इस तरह से लज्जाजनक स्थिति में रखना हमारे लिए बड़ा अपमानजनक हो रहा है। इसलिए हम चाहेंगे कि सख्त कार्रवाई का एलान करिये। यह कहा से बवंडर हुआ है? वह हर्षमैन सारे कागज रखें और नहीं तो बार-बार हमारे देश के प्रधान मंत्री का अपमान करते रहेंगे और आप लग ऐसे महान हैं कि चुपचाप बैठे रहेंगे इस पर हमको बड़ी दया आती है। हमारा यह ख्याल है कि हमने जब कहा कि अपने देश में ऐसा हो गया है कि पैट्रियोट लोगों में एक गोयनका पैट्रियोट और दूसरा रिलायंस पैट्रियोट हो गया है तो आपको धक्का लग रहा होगा। मुझे इसके लिए दुख है धक्का नहीं लगना चाहिए लेकिन मैंने लाचार होकर ही कहा है। अब ऐसा लगता है कि महान लोग गुरुमूर्ति, गोयनका, वाडिया, इन साइटर अरुण शोरी जो स्टेट्स मैन के स्पेशल कारेसपोण्डेंट हैं मैं कहना चाहता हूँ कि जब इन लोगों के पास तथ्य थे और अखबारों में इतनी बात रख रहे थे तो ये कमीशन के सामने क्यों नहीं गए यह हमारी समझ में नहीं आया। अगर सच्ची बात है और जब बातों को जांच हो रही थी तो आकर साबित करना चाहिए था कि यह चोर है, ऐसा चोरी करते हैं। मैं कमीशन की इस राय का नहीं हूँ कि वह अपना सोर्स बता दें कि कहा से इन्फरमेशन लाये। हमारे जर्नलिस्टों पर रोक नहीं लगनी चाहिए। लेकिन जो तथ्य आपके पास है और जब लग रहा है कि देश के साथ विश्वासघात हो रहा है तब अगर वह सामने नहीं आते तो यह अत्यन्त ही लज्जाजनक बात है सबों के लिए और फिर कोई कमीशन जांच नहीं कर सकता है। शासक पार्टी के

लोगों से यह कहूँगा कि जो लोग कमीशन के सामने बयान देना चाहते थे और आने नहीं दिया यह नेचुरल जस्टिस के बिल्कुल खिलाफ है। कमीशन आफ इक्वायरी एक्ट का वायलेशन करके विषयनाथ प्रताप सिंह को उन्होंने नहीं बुलाया है और जिसे बुलाया वह आया नहीं। नपुंसक कानून जो आपने बनाया है वह आप को ही नपुंसकता का लक्षण है। यह आपका ही बनाया हुआ कानून है कि कमीशन के सामने कोई न भी जाये तब भी कुछ नहीं होगा उसका। इतना गम्भीर मामला है... (समय की घंटी) घंटी बज चुकी है, मैं यही कहना चाहूँगा कि यह काम हमारे न्यायमूर्तियों के लायक नहीं था। न्यायमूर्ति हम लोगों की भाषण करें कि चीली में यह हुआ, दूसरी जगहों में यह हुआ तो यह कैसे हो सकता है। यह तो हमारा काम है कि हम इसको करें। लेकिन सरकार ने उनको बाध्य कर दिया। जो प्रॉपर टर्म्स आफ रिकॉर्स था वह दिया नहीं और जो टर्म्स आफ रिकॉर्स था उसका इस्तेमाल नहीं किया। जो उनके टर्म्स आफ रिकॉर्स में नहीं था उन सारी बातों पर वह चले गये। दर-हकीकत में यह पार्लियामेंटरी कमेटी के इन्वेस्टीगेशन का काम था। हमारे दोनों सदनों के माननीय सदस्य बैठ कर इसे करते। न्यायमूर्ति लोगों ने बिना एवीडेस लिये हुए फैसला कर दिया किमी का करेक्टर असिनेशन कर दिया। कल के लिए शायद आप ग्राउंड बना रहे हैं। बोफोर्स कमीशन भी यही कहेगा कि किसी से कोई सबूत-वबूत की जरूरत नहीं है। सब बिल्कुल साफ है।

कमीशन की यह रिपोर्ट लेकर आप पब्लिक में नहीं जा सकते और पब्लिक इसपर विश्वास भी नहीं करेगा। आपको याद होगा शाह कमीशन ने जो रिपोर्ट दी थी उस पर भी पब्लिक ने विश्वास नहीं किया था जबकि त्रांस-एग्जामिनेशन से यह सब हुआ था। यह मसला अभी भी है और देश के सामने है। जो यह विदेशी मुद्रा चोरी करने वाले हैं, जो हमारे देश के गरीब लोगों की दौलत दूसरी जगहों पर जमा

[श्री चतुरानन मिश्र]

करते हैं चाहे वह फंक पासपोर्ट से हो या सही पासपोर्ट से हो, चाहे आपके मित्र हों और चाहे दूसरा बुर्जुआ पार्टी के हो, हमारा कोई है नहीं, हम प्रालिटेरिएट है इसलिए हमारा कोई नहीं है और अगर रहता तो हम उनको भी शामिल करते। मैं आपसे कहता हूँ कि सबकी नकाब उतार कर सामने आइये और चोरो की सूची पक्ष कीजिए तब आप पर जनता विश्वास करेगी अन्यथा यह कमीशन की रिपोर्ट रद्दी की टोकरी में रख दी जायेगी — और भारत के इतिहास के लिए यह कलक की बात है बिना हमारा सर्वोच्च न्यायालय इतने गंभीर मामले पर कोई ऐसी माइंडलाइन नहीं दे सका जिससे आगे चला जा सके। यही मुझे कहना है।

श्री मीर्जा इशदिबेग : माननया, मेरा प्वाइन्ट आफ आर्डर है। इट इज वैरी इम्पोर्टेन्ट। मिश्र जी न अभी जो बातें कहते हैं, मैं उन शब्दों को दोहराना नहीं चाहता हूँ लेकिन यह कहना चाहता हूँ कि आप उनके पूरे वक्तव्य को देखकर उसके जो असंसदीय बातें हैं, अगर आपको लग कि वे असंसदीय हैं तो उनको आप रिकॉर्ड से निकाल दें।

श्री चतुरानन मिश्र : मैं भी इस से सहमत हूँ क्योंकि हम भी कमीशन को तरह से रिपोर्ट देंगे और अनपार्लियामेन्टरी बोलें तो आप उनको हटा दीजिये।

THE DEPUTY CHAIRMAN: I will go through the record and expunge if there is anything unparliamentary.

SHRI N. K. P. SALVE (Maharashtra): Madam, Deputy Chairman, this debate to discuss ..

SHRI DIPEN GHOSH (West Bengal): He has been called upon to salvage the Government.

SHRI NIRMAL CHATTERJEE: No, no, whenever there is discussion on

corruption, Salve Ji is there. (Interruptions)

SHRI N. K. P. SALVE: Madam, the discussion on the Thakkar-Natarajan Report, as rightly pointed out by Chaturanan Ji, is going to involve consideration of certain extremely serious aspects of national security, of threat to political stability and of certain other issues related to public interest. Therefore, this is not a debate meant for accusations and counter-accusations or for trading charges and counter-charges, but for consideration of various serious matters contained in the Report.

SHRI ALADI ARUNA alias V. ARUNACHALAM (Tamil Nadu): Is there anything other than the charges in the Report? (Interruptions)

SHRI N. K. P. SALVE. Madam, I am not yielding, unless it is a point of order.

SHRI JASWANT SINGH: Actually it is a point of order to him. He is a very eminent Member of this House and he is Deputy Leader of the House. When he starts his presentation by saying that there should not be charges and countercharges, I may point out, in fact, this Report contains nothing else but a compendium of charges and counter-charges. So, he would find it very difficult...

THE DEPUTY CHAIRMAN: That is your view.

SHRI N. K. P. SALVE: That is how he reads the report. I do not read the Report in that manner at all, because I have gone through the Report. (Interruptions)

MR. DEPUTY CHAIRMAN: Order please. Now, you have started interrupting.

SHRI N. K. P. SALVE: You are entitled your views and I am entitled to my views. I submit and submit in all humility but emphatically that they raise certain issues of very great, far-reaching importance of public interest, which include threat to political stability and nation's security. Therefore, let us debate it in a very calm and dispassionate attitude. Let us be tolerant to each other. After all, the same document must not be read in the same manner by you as I do read it. If you read it as I do, we would all have been in one party.

Before I proceed any further, I want to refer to an abject misreporting about the Fairfax by the *Indian Express* of 12th December, 1987. It is about the reporting of the proceedings of the Executive Committee meeting of the Congress (I) Party in Parliament, which is entirely confidential. If they really had to report something, they should have had courage to ask me, since I am involved, or they could have gone to the Secretary to find out saying that this is what they have come to know. What is the truth? The heading is: "Report on expected lines: CCP(I)". The report further says:

"The former Minister of State for Steel and Mines, Mr. N. K. P. Salve, has expressed satisfaction that the findings of the Fairfax Panel had been exactly on the lines of the memorandum filed by some Congress (I) MPs led by him"

I am not one of the signatories to that memorandum. So, I could never have said this.

Further it is said:

"When Mr. Salve, who is a former Secretary of the CPP(I)"—I never was present or former.—Secretary of CPP (I)—began to explain the similarities contained in the two documents, the AICC(I) General

Secretary Ghulam Nabi Azad cut him short by saying that though Party MPs could be proud of their success in this aspect, they must also realise that it would generate an adverse response from the people."

Normally whatever is reported in this newspaper, so far as we are concerned, we don't consider it worth the paper on which it is written. But my party has been dragged without any justification and the party made no representation whatsoever to the Commission. It was considered very strongly amongst the party Members that they have to be critical of the action of the Government in engagement of Fairfax and, therefore, a memorandum should be submitted to Thakkar-Natarajan Commission. They felt distressed and anguished over the manner in which the Fairfax had been appointed. A difficult, embarrassing situation arose as to how could the party of the Government ever make critical comments on the Government in a memorandum to a Commission of Inquiry. Therefore, finally, it was decided by certain Members will make the representation to the Commission individually and if necessary they will appear and substantiate their contentions. If one were only to see, the Commission has culled out the various submissions which we have made in our memorandum, the party Members, 7 of them, who made this representation on page 43, 44 and 45 of the Report and whatever they have stated, whatever contentions we have raised and the stand we have taken have been vindicated. I will not go into the details. The stand in para one culled out on page 43 of the Report is vindicated on page 76 and those who want to see they can verify that what I am saying is correct.

Later stand in other paras have been vindicated on page 170, 172, 245 and 255. One of the most important things



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which we had raised is in para 9(11) which has also been vindicated. This is about asking the Government, requesting the Government to evolve a method and make appropriate amendments to the business rules under what circumstances, if at all, a foreign investigative agency can be appointed. All the submissions which we have made and the stand we have taken have been vindicated. All that I stated in the meeting was that the Commission has agreed with the line of approach we had taken on different issues and our stand has been vindicated. We could not expect anything more and we are entitled to the highest satisfaction. "We are entitled to the highest satisfaction" is put there, "a report on expected illness" and the report on expected lines of C.P.P. is most unfortunate. This sort of disinformation and misinformation is very highly reprehensible. It was a meeting in which as I said earlier, proceedings are confidential. If they really did want to know something they should have had the courtesy to verify before coming out with this, rather than present this distorted picture. A sad impression is sought to be created as though the party was in league with the Commission of Inquiry. My respectful submission is that there is no respect shown for truth. There is not even a modicum of respect shown to the journalistic ethics and other ethics which is shown in public life. I very strongly object to this kind of reporting and I bring it to your notice, and the notice of the House.

When the controversy on Fairfax was raised, it raised a violent political storm throughout the length and breadth of the country and the country was shocked to hear various things which were being said about Fairfax. Coupled with that, shifting of one of the most distinguished Members of the Cabinet from one Ministry to another and then ultimately his removal and his resignation from that Ministry

added plenty of fuel to the fire. But when the controversy was created, at centred basically on two issues. We were criticised very badly by the opposition over what had happened, with reference to the Fairfax appointment and the subsequent events particularly shifting of the Finance Minister. Then, it was said that Fairfax was appointed because it was difficult for the Government to collect hard evidence against the economic offenders in general and those who have stashed away moneys abroad in particular and therefore, it was the most cost effective and sound decision. As such when the changes took place in the various Ministries, several issues were raised by our party Members in the Lok Sabha that in making the appointment of Fairfax, various considerations of national security and the question of political stability had not been properly looked into. It was said by our political opponents that this is a mere bogey that was being raised to sidetrack the main issue. The main issue according to them was that whereas Fairfax was entrusted with investigation into the affairs to find out the secret accounts of certain people who had political cum personal clout with our leader and the Prime Minister and it did not suit the Prime Minister and perhaps our party to allow this kind of investigation to go on, that was the main reason why we were against Fairfax and we wanted to get rid of Fairfax then. These were the two issues that were being said and therefore, such a huge controversy was created, a controversy which I submit, Madam, very unfairly, very unjustly eroded the credibility of public life of this country and how dangerous it is, how some day, it is going to destabilise the very system if we did not approach the whole matter with a greater degree of ob-

jectivity and public morality is something to which the Commission has made reference and about which I am going to make my submission very shortly.

So far as the second point is concerned, it is abundantly clear that Fairfax was never entrusted with enquiries about any persons who were supposed to have a personal clout with the Prime Minister or any one in the Party. None of our party Members was involved so far as the investigation of Fairfax was concerned. Fairfax was asked to look into mainly the alleged violation under customs and FERA of Reliance and some Dreyfus, some Prafulla Shah, Doshi and Saleem; these are the names mentioned here. None of them is a Member of our party. Therefore, so far as the second part is concerned, that was entirely a political argument that was being advanced to viciously malign the Prime Minister and the party leader which was most unjustified and at least over that point, there is going to be no dispute.

Fairfax was never asked to inquire into the affairs of any one connected with our party as such. It was only connected with Reliance and certain other people. Therefore, whatever action was taken, could not be impugned, assailed or challenged at least on the ground that it did not suit us politically to have Fairfax inquiring into the affairs which had been entrusted to them. Let me deal with other aspect of the matter. I am on the substantive question of appointment of private investigative American agency of the nature of Fairfax with Mr Hershman as its Chairman.

SHRI KALPNATH RAI (Uttar Pradesh): Hershman or Harris

SHRI N. K. P. SALVE. Not Harrish. He is Dr. Hershman alias Harris. Whether you call him Harris or Hershman, it is not like Jekyll or Hyde. It is Hyde both sides. (Interruptions). Madam, it has been stated before the Commission that Fairfax was appointed pursuant to a general clearance which had been given for appointment

of such a foreign investigative company because it was considered—on page 168, it has been dealt with by the Commission—by the Government specially by the then Finance Minister, “this seems to be the most cost effective way of obtaining hard evidence without entailing any financial risk, that is to make payments only after being handed over concrete evidence without any obligation or expenditure.” This is culled out from the written statement/submissions made by the then Finance Minister, Mr. V. P. Singh. My submission, Madam, is the reward rule has been given and that has been dealt with by the Commission. To imagine firstly that this is the most cost effective way is to treat the matter very very casually. Any one who applies his mind very seriously to find out whether this very assumption, whether this very premise is correct, One would find that it is sheer absurdity to imagine that you can get an investigating agency abroad, in America, whose payments would be less than what it would be under the reward rule. The Commission has dealt with it extensively. Only if this had been properly examined, the reward rule, which is there at page 33, Madam, lays down a maximum 20 per cent payment subject to the market value of the goods involved. Now, we find from the answers given on the floor of the House here and from newspaper reports that about Rs. 8 to Rs 10 crores worth of machinery were alleged to be secretly imported by Reliance in violation of the import regulations and the import permission order which had been given to them on which they did not pay the proper duties etc for which appropriate proceedings have now been taken. Now, out of that Rs 10 lakhs, at the maximum, a foreign agency will be entitled to Rs. 2 lakhs and that too after Rs 2 lakhs is realised. The rule is absolutely clear. “Imposed and realised” provided the amount does not exceed 20 per cent of the market

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value of the goods involved. In the meanwhile, Mr. Hershman came to India, made trips abroad. He, in the United States of America accompanied Mr. Bhure Lal, the then Director of Enforcement to various places to contact the officials. He was investing his own money. A little pragmatic approach, which is so essential and which should have been adopted in this matter, would have no doubt that never can a foreign investigating agency, especially an American agency, be ever available to work on this kind of a reward rule. It will be only available if there is someone else paying large monies to the investigating agency. It is the finding of the Commission that it was somebody else who had entered into a collateral, clandestine, contract and agreement who was making payments to Mr. Hershman to serve and nurse his own interests and the Director of Enforcement was merrily proving himself to be a tool in the hands of those unscrupulous tycoons who were fighting. Three of them were there, whether it was Ramnath Goenka or whether it was Nusli Wadia. Someone calls him Nakli. Nakli is Nusli Wadia; Ash is Ramnath Goenka. They are all industrialists. Profit motive impels them to work for whatever they want to do. They were engaged in an internecine conflict with each other. They were at each other's throat. We should have allowed them a free fight. We should always use one against the other if it was possible for us to do so. Who would ever imagine that one of them would ever be motivated by the lofty considerations of patriotism and national interest that should be able to serve and subserve national interest to come to the Finance Ministry and help them unearth the frauds either in Customs or FERA? It is something which is unimaginable, un-understandable. The first question I would like to pose is: Was this very assumption, on the basis of which a general clearance was given, properly,

fairly, justly and in depth examined? If it had been examined, such clearance would have been rejected by any Finance Minister who applied his mind seriously and in depth. I have no doubt in my mind that, if ever the then Finance Minister had applied his mind, he would never have given this kind of clearance for any one to appoint a foreign agency on the assumption that this is a cost-effective method. What a cost-effective method! They incur an expenditure of Rs. 5 lakhs in advance in the hope of recovering Rs. 2 lakhs when the penalty is paid after ten years of litigation, which is an impossible, preposterous proposition, Madam, to proceed upon. Therefore, I submit that the matter itself was not examined properly and in a very casual, cavalierlike manner, this sort of clearance had been given. Was it not necessary to examine the matter carefully, specially Mr. Bhure Lal who is the kingpin in the entire conspiracy, if I may use the word, or the entire "episode," to be more charitable to him? Did he not know, could he not have known, the circumstances under which Mr. Nusli Wadia, as has been found by the Commission on pages 188, 191, 219 and 245, was financing Hershman? Mr. Wadia comes and says: that is, Nusli comes and stays in Hotel Oberoi. He comes to Delhi. Two hours later Mr. Hershman comes. After four days Mr. Nusli Wadia goes away and two hours after Mr. Nusli goes, Mr. Hershman goes away. There was a contention that Mr. Nusli Wadia did not know Mr. Hershman. There was a crucial document which could have established conclusively the link between Mr. Nusli Wadia Mr. Hershman and perhaps Bhure Lal but that document was found to be missing. You are talking of ethics in the matter. I am sure you have read this report. The original bill of Mr. Nusli Wadia of Rs. 24,000 odd paid for four days had certain very vital material connecting him with Mr. Hershman. When the document was asked for the Delhi office of Bombay Dyeing said

that it was forwarded to the Bombay office for purposes of payment. The matter was referred to Bombay and Bombay office said that "this bill is forwarded herewith". So far as Delhi office is concerned, they said in the forwarding letter "forwarded the bill herewith". But there was no bill attached to the letter. When it was further inquired from them that there was no bill attached to it, par came the reply, "Unfortunately the bill is untraceable." Naturally the Commission wanted that very important document to lay its hands on...

**श्री राम अवधेश सिंह:** अ पकी इंटेशन के शर्म की बात है... (व्यवधान) यह सरकार की कमजारी है।... (व्यवधान)

**SHRI N. K. P. SALVE:** The Commission thought that this document was exceedingly important and crucial for various issues... (Interruptions) I do not know what objection he has. I am not accusing anyone. These are facts...

**श्री राम अवधेश सिंह:** बहुत इम्पोर्टेंट प्वाइंट है। सरकार की इन्फिर्मिटी है कि इनको बिल का पता है, लेकिन बिल ट्रेसलेस है। तो इनकी इन्टेंशन में तो—चुल्लू भर पानी में डूब मरें।

**श्री एन०के०पी० साल्वे:** मैडम सरकार के ऊपर तो शिकायत ही कर रहे हैं हम, हम कौन सी सरकार की तारीफ कर रहे हैं— जिस तरीके से सरकार ने इनको जाज्ज दे दी। यह मेरा अपेक्षा है कि सरकार ने नैटिव सुरक्षा की तरफ ध्यान नहीं दिया इसका जवाब देना पड़ेगा सरकार को, यह और बात है कि वह आज इधर बैठे हैं हमारे साथ दूसरी तरफ, मगर (व्यवधान)

**श्री विश्वनाथ प्रताप सिंह (उत्तर प्रदेश):** यह सरकार मान रहे हैं इधर की।

**श्री राम अवधेश सिंह:** कल अपने वाली सरकार के बारे में ही मान रहे हैं... (व्यव-

**धान (जो सरकार आने वाली है, उसके बारे में... (व्यवधान))**

**SHRI N. K. P. SALVE.** Madam, if I am allowed uninterrupted, I shall very quickly wind up. I am making my point and it is not necessary that everyone should agree with it. My submission is that this document was very crucial in the opinion of the Commission for the purpose of finding out certain very important information which would have established conclusively the link between Mr Nushi and Mr Hershman and Bhurelal. So when they said it is untraceable, when Bombay Dyeing expressed its helplessness to trace the document saying that the document is misplaced, they asked Oberoi Hotel, "Please produce the original document." On that the Hotel people say, "Unfortunately our original bill which we sent is missing from our file also." There is a finding of the Commission that for twelve times Mr Nushi had come and stayed in that hotel and all the original bills for eleven times are available but only for the twelfth time the bill is not available. The incident is far too divine to be true. The clear inference that they have drawn was that this collateral, surreptitious, agreement was between Mr. Nusli alone or Mr. Nusli and Asli perhaps, or, they have also gone one step further and said, one would not know there was some other foreign hand involved in this type of machination. My submission is this. When actually and in reality Mr Hershman and Fairfax are working under this collateral agreement in terms of which payments must have been made by them to Mr Hershman, can it ever be said that engagement of Fairfax was motivated by consideration of national interest? Or, can it be said that what was sought to be done by the appointment of Fairfax was to serve a great national cause and Finance Minister acted as the crusader of the people's cause, as the greatest champion of the people, as the greatest fighter against

[Shni N. K. P. Salve]

the economic offenders who may have stashed away large amounts of money in Switzerland and in other banks. In reality, Fairfax had been appointed to settle accounts in between three industrial houses who were involved in their own fight for their own competitive business purpose. Therefore, one needs to understand the total lack of depth, the total lack of application of mind and the total lack of that minimum caution which a Government needs to exercise while appointing a foreign investigative agency. That has not been done and that is what we have also said in our memorandum and that is also what we said in the House. What is more important, Madam, to me is the question of antecedents of Fairfax. There is one thing more to be said before I come to the question of the security of the nation because that is a very important aspect of the matter and I will take five minutes. Now, with regard to the antecedents of Fairfax, minimum care should have been exercised. You are hiring an American agency. We have not been too friendly with the United States of America all these years. Now, of course, attempts are being made to do so. Now, what happens when you engage such an agency? What does the Report say? On page 245, it says how dangerous are the entire antecedents of Mr. Hershman and his Company, M/s Fairfax. This is what is stated on page 245 and this is what the Commission says:

"It has been admitted by Mr. Hershman that he employs ex-CIA, FBI, IRS, Military Intelligence Personnel, Mr. McKay, the Vice-President of Fairfax Group, has stated that information was routinely shared with federal agencies."

It means the network, the Intelligence network of the United States of America, the CIA, can get dangerously involved with its most obnoxious background and history of political

interference in the developing countries and distabilization activities in several other countries which did not toe the line of the United States of America. With them this information is to be shared and this is what is stated by Mr. McKay. Madam, all that I want to submit—this is what my honourable friend, Mr. Irshad was referring to—is that in our written submission this is what we have stated and I refer to page 44 and one of the paragraphs of our memorandum reads as follows:

"The engagement of a foreign agency for investigating matters affecting the country, its Government and the citizens would be tantamount to placing the investigation not in the hands necessarily of the foreign private detective agency, but possibly in the hands of the secret service or Intelligence wing of the country to which the private foreign agency belongs. Consequently, the Intelligence of the foreign country can make use of the material gathered during the investigation or for manipulating things in such a way as to suit its own political ends including destabilization of India."

Madam this has been, in terms, our stand which has been accepted by the Commission. Now, Madam, they say how unsafe it is to have this kind of an agency appointed and they say this on page 260 of the Report. And, Madam, they refer to an influential American academician, Professor Michael Nacht, who has been a consultant to the US Intelligence Community Staff the Department of Defence and the State Department, who was in India in the month of April on a lecture tour. The Report says:

"He had also remarked that engaging Fairfax was not prudent. Asked if Fairfax could conceivably do without maintaining links with federal bodies like the FBI and the

CIA, Professor Nacht said that it was possible to deduce vulnerability on this score."

This is what the American Professor, the distinguished academician, had to say, and this is not what Mr. Shiv Shanker or Mr. Salve or Mr. Kalpnath Rai or anybody else from our party has said. But this is the view expressed by a distinguished American Professor, Madam, on page 262 of the Report this is what they have to say, which is extremely disturbing. Speaking about Fairfax, the Commission says:

"Such an agency can plant false evidence, indulge in bugging, blackmailing and create incidents to embarrass the employer himself. In fact, Mr. Hershman has done so by administering threats to the Government of India by making utterances to the effect that he would not care even if it resulted in 'destabilisation' and he would utilise the information gathered by him for the purpose of 'exposing' the Government of India. He has even made utterances which are derogatory in nature against the Union of India and the Prime Minister of India."

I like the cheek of Hershman! Does he think that India is a banana Republic, that he will talk some nonsense and he will bring about destabilisation in the country? (*Interruptions*)

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): But you are afraid of him.

SHRI N. K. P. SALVE: We are afraid of Hershman? We are not afraid of his boss's boss! We are not afraid of Reagan. We are not afraid of anybody, for the simple reason that we stand on certain principles

right from the days of Pt Jawaharlal Nehru, to the days of Mr. Ravi Gandhi. So far as our foreign policy is concerned, it is utterly independent. We have toed our lines as decided by this House and the other House. What Hershman are you talking of? We will not be worried even if Hershman .. (*Interruptions*)

SHRI DIPEN GHOSH: Your Prime Minister has given a clean chit to the CIA (*Interruptions*)

SHRI N. K. P. SALVE: Let me make it clear. My Prime Minister is not so naive at all .. (*Interruptions*) Will you listen? My Prime Minister is not as naive as to give a clearance like that. My Prime Minister in turn said, when there was an allegation of CIA intervention and Mr. Bush said, 'well, there is no intervention by CIA'—did he take him for his word? (*Interruptions*) You may quote or misquote. There is a plethora of instances given in this book itself how the CIA has been misbehaving and destabilising various countries, how it adopted a cloak and dagger method, how it has been bugging, how it has taken to so many other methods. The other day, Madam, the CIA diverted our rifles on the high-sea to South Africa. (*Interruptions*) Mr. Dipen, let me tell you one thing. We may agree or we may disagree on many other matters, but we entirely share your views on one thing that the CIA is the worst despicable agency (*Interruptions*). We have always maintained this, and we maintain this today. That is why the whole debate. When I am talking of national security, I am glad to refer to this only that Fairfax, according to their own admission, would be sharing this information with the CIA. And we do not trust the CIA. We only hope that what Mr. Bush told our Prime Minister is true and correct. We are not so naive as to accept that as gospel truth.

[Shri N. K. P. Salve]

Madam, on page 263, finally, this is what they have said:

"One has come across the argument that destabilising the political party in power or its leaders does not mean destabilisation of the concerned nation and that it has no impact on the security of the nation. It would merely appear to be merely a semantic exercise to so argue. If the democratically and duly elected representatives of the people in charge of the administration are subjected to false character assassination by resorting to disinformation even that can result in destabilisation."

Those, therefore, who are indulging in character assassination and vilification on the appointment of Fairfax consider removal of Fairfax, as unfortunate or removal of one Minister from one Ministry to another Ministry, as part of corruption have, I submit with great respect, indulged in an act which can only be described as anti-national and eroding the credibility of the public life. By only repeating and re-repeating the charges of corruption, without any basis, on irrelevant material, on immaterial considerations, on utterly false and motivated basis, it does bring about instability to a party but it does bring about erosion in the probity of the public life, and as a result the whole political system gets weakened. In connection with Fairfax, a large number of people have indulged in this kind of reckless character assassination and vilification. I submit, Madam, that they are squarely and fairly guilty, as has been conclusively found and totally established by this Commission. These people are guilty of anti-national activities. Thank you very much.

SHRI VISHWANATH PRATAP SINGH. Madam Deputy Chairman, I will start my comments from the newspaper report of Prime Minister's

comments on the Thakkar-Natarajan Commission report itself. It is "Times of India" of 12th December. It says:

"The Prime Minister, Mr. Rajiv Gandhi, today said that the Thakkar-Natarajan Commission report had exonerated his party and government of any involvement in the Fairfax issue."

I think the Prime Minister has precisely reflected the goal for which Thakkar Commission was appointed. I remember, Madam, that after the debate in the Lok Sabha on 3rd of April—it was between 31st of March and 3rd of April—we were summoned to the Prime Minister's residence. Mr. Shiv Shanker will be remembering that. He was also present there. Buta Singh Ji was also there. I and Prime Minister were there. The Prime Minister made the point that though Ebrahim Dutt Ji, Minister of State for Finance, had technically answered the various questions raised by the opposition, but, he felt, still in public mind the answers had not been given and much mud-slinging had been there. His name had been there. The names of Ajitabh Bachchan and Amitabh Bachchan had been there and referred to. All this had to be.

THE MINISTER OF PLANNING,  
THE MINISTER OF PROGRAMME  
IMPLEMENTATION AND THE  
MINISTER OF LAW AND JUSTICE  
(SHRI P. SHIV SHANKER). I reserve  
my right to reply.

SHRI VISHWANATH PRATAP SINGH. Sure. In spite of the answers of the Minister of State for Finance, it would be better to have a Commission of a Judge and that would clear things rather than I or any one else start giving explanations about it. Precisely as Salve Ji said, one of the issues was that in Fairfax perhaps the Government was embarrassed or felt that some people with political clout were involved and any light thrown

on them would be inconvenient to the Prime Minister. This is what Mr. Salve said. So, this was precisely what was in the Prime Minister's mind. For this reason, he said he wanted the Commission. It was very laudable. Shiv Snanker Ji was there with a list of Judges Buta Singh Ji, who was also there, went through the list of Judges. Some of the Judges were, perhaps, hostile to the Government. Therefore, they were not approved. And of the names of Judges, the most preferable Judges in the end turned out to be Justice Thakkar and . (Interruptions).

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES, AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Madam, it is a serious aspersion.

SHRI PARVATHANENI UPENDRA:  
Let him complete

SHRI P. CHIDAMBARAM Madam, this is a serious aspersion. Mr. Vishwanath Pratap Singh—I say with great respect to him—has the habit of not recording anything and I am sure that he is taking advantage of the fact that nothing was recorded to use this opportunity to cast serious aspersions upon the sitting Supreme Court Judges. (Interruptions)

SHRI PARVATHANENI UPENDRA:  
Everything has been recorded

SHRI DIPEN GHOSH Madam Deputy Chairman, we are discussing the Thakkar-Natarajan Commission's Report. When we are discussing this Commission's Report, naturally the appointment of the Judges for the Commission can come in for discussion.

SHRI P. CHIDAMBARAM May I ask; Did Mr. V. P. Singh at any time, until this moment, question the integrity of the two Judges? It is conven-

ient to him now. (Interruptions) Because he cannot answer the questions posed at page 175 of the Report, he is now finding it convenient to question the integrity of the two Judges.

SHRI VISHWANATH PRATAP SINGH, Madam...

SHRI P. CHIDAMBARAM: Was he not a party to the Cabinet decision? Did he not know that Justice Thakkar and Justice Natarajan were being appointed? Was he not a member of the Government when the two Judges were appointed? (Interruptions).

THE MINISTER OF STEEL AND MINES (SHRI M. L. FOTEDAR): Madam, on a point of information. Madam, I would like to know from the hon. Member whether he was not a party when the terms of reference were drafted by the Government at that time. If I am correct—he can correct me if I am wrong—he was not only a party but he was also the draftsman of those terms of reference. That is number one. Secondly (Interruptions) If the hon. Member had any doubt about the so-called integrity of a Judge, more so of a sitting Judge of the Supreme Court (Interruptions) I am not making any speech. I am just asking for a point of information. Did he make any representation to the Commission in writing? Did he ever point out this thing before the Commission? This is what I wanted to say. (Interruptions)

SHRI BAHARUL ISLAM (Assam): Madam, I am on a point of order. . . (Interruptions).

श्री कैलाश पति मिश्र (बिहार): महोदय, श्री विश्वनाथ प्रताप सिंह जी ने बोलना शुरू किया था और बार-बार बीच में ब्रेक अफ़ायर उठाये जा रहे हैं। उनको बोलने दिया जाय उससे ही सारे तथ्य सामने आ जायेंगे। मेरी प्रार्थना है कि उनका पूरा मरक्षण दिया जाय।



THE DEUTY CHAIRMAN: There is no point of order.

SHRI VISHWANATH PRATAP SINGH: Madam, I don't think these points will arise if I complete two more sentences. I am not raising a doubt but I am just stating a fact. I have not cast any aspersion, I am just narrating a fact.

AN HON. MEMBER: He is misrepresenting the facts.

SHRI BAHARUL ISLAM: Madam, I am on a point of order. My point of order is that under the provisions of the Constitution and the Rules of the House. (*Interruptions*)

THE DEPUTY CHAIRMAN: Order please. Let me listen to what he has to say.

SHRI BAHARUL ISLAM: .. the character and conduct of Judges of the High Court and of the Supreme Court cannot be discussed at all, and Mr. Singh is going to ...

SHRI VISHWANATH PRATAP SINGH: How does he know what I am going to say?

SHRI PARVATHANENI UPENDRA: Members of the Commission are not protected ... (*Interruptions*).

THE DEPUTY CHAIRMAN: Please sit down. Listen, listen. During the point he was making, he said that at that time Mr Shiv Shankerji was also present. So, he is going to talk after him and I suppose he is going to say what is true and what is not. (*Interruptions*)

SHRI RAOOF VALIULLAH (Gujarat): Does he mean to say that some judges were hostile to the Government? Can this be allowed in this House. (*Interruptions*)

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Madam, Deputy Chairman, my request to you is ...

SHRI VISHWANATH PRATAP SINGH: And, Madam, thereafter Justice Natarajan... (*Interruptions*).

SHRIMATI JAYANTHI NATARAJAN: Madam, I want to raise a point of order. I will be very brief.

SHRI VISHWANATH PRATAP SINGH: Madam, the question is ...

SHRIMATI JAYANTHI NATARAJAN: Madam, I want a ruling from the Chair whether you can say that a list of the judges of the Supreme Court was there and whether they were hostile to the Government or they were friendly to the Government; is that an aspersion or not?

AN HON. MEMBER: Will you allow it to go on record?

SHRI RAOOF VALIULLAH: How can you allow that to go on record?

SHRI VISHWANATH PRATAP SINGH: May I clarify? I am not casting any aspersions. The Minister for Steel and Mines has asked whether I had any doubts. I want to submit that while some people may have preferences I had no suspicions on the Justices. (*Interruptions*). The question was asked and I have answered.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): Madam, if he permits me, I think he is interested in truth, I think if he is a truthful man, I want to say one thing. Neither Mr. Shiv Shanker was involved, nor Mr. V P. Singh. I wrote a letter to the Chief Justice of India in the evening, the reply came around at 4.30 p.m. next day and I placed before the CCPA and Vishwanathji...

SHRI VISHWANATH PRATAP SINGH: But he was not in the meeting.

SHRI H. R. BHARDWAJ. I had written the letter.

SHRI VISHWANATH PRATAP SINGH. He may have written the letter, but he was not in the meeting. And, Madam, the Minister of Steel and Mines has asked whether in the framing of the terms of reference, I was a party to it or not. Madam, there is one interim fact also that I want to bring in, namely, that initially it was decided to have a one-Judge commission, and that was announced on the 3rd April. The Prime Minister himself had announced it in the Lok Sabha, and the terms of reference, Fotedarji, were not announced and neither were they framed at that time, though the opposition had pointed out that it is a peculiar circumstances that while the commission has been announced, no terms of reference have been announced. It might be the first time that it was being done. Then came the precise framing of the terms of reference. When it came to the framing of terms of reference, I did ask the Prime Minister to consider certain points for framing of the terms of reference. But what was actually framed finally was not what originally Prime Minister had in mind to clear the various aspersions that had come in the debate involving names of Amitabh Bachchan and Ajitabh Bachchan and the economic offenders. The terms were differently framed and I did personally ask the Prime Minister that I wanted to be assured on my point. He did take me to his office and I did give this sheet of paper, and this is what I had given I lay it on the Table of the House. (Interruptions) You have asked for it

SHRI M. L. FOTEDAR. He is not replying to my point. I asked him. (Interruptions) The truth must come out. (Interruptions).

SHRI VISHWANATH PRATAP SINGH. Yes, am answering ...

SHRI M. L. FOTEDAR: You are on oath to speak the truth; nothing but the truth. I am asking you whether you were a party to the decision when the terms were framed... (Interruptions).

SHRI VISHWANATH PRATAP SINGH. I am responsibly answering on the floor of the House. I know the responsibility of standing up in the House and saying something in this august body. And with that sense of responsibility I am presenting this piece of paper, and this precisely is what I had given to the Prime Minister.

SHRI M. L. FOTEDAR: This is not my point.. (Interruptions). I am asking the question. Why are you afraid of truth?

SHRI PARVATHANENI UPENDRA: Madam, he is not the Minister in charge to reply to every sentence. Why is he getting up every time?

SHRI VIRENDRA VERMA (Uttar Pradesh): He is not yielding; have you allowed him?

THE DEPUTY CHAIRMAN. Mr. Fotedar, he said he is replying to your point.

SHRI VISHWANATH PRATAP SINGH. Now, question number one was: What companies or individuals were being investigated for FERA violations by the Enforcement Directorate for which services of Fairfax were sought? Question number two: What was the nature of their offences? Question number three: What evidence has been obtained by the Government so far? Question number four: What action has been taken thereon?...

SHRI M. L. FOTEDAR: Did you frame these questions yesterday?

SHRI VISHWANATH PRATAP SINGH. My notings even hand-written are of that date.

[Shri Vishwanath Pratap Singh]

I was reading the questions. Precisely, it was on economic offenders and individuals also. Question number five was: Action taken by Government on the letter of Fairfax which is in possession of the CBI and published in the press in which the representative of Fairfax has mentioned that he met several persons, including officials, and that some industrialists have made payment to them or propose to do so. I lay the whole paper on the Table of the House .. (Interruptions)

THE DEPUTY CHAIRMAN: That is not the practice

SHRI M. L. FOTEDAR: He has not authenticated it.

SHRI VISHWANATH PRATAP SINGH: I will authenticate it and lay it.

Madam, the first two questions were ruled out. On the CBI letter, I pressed hard that this is from where public debate started. This is the first time the public came to know of it; about Fairfax. It must be there. I said, either action should be taken against Nushi Wadia, Goenka and Gurumurthy or action should be taken against the fabricators of this letter. When pressed hard, the Prime Minister assured me that he would personally investigate this letter and on that ground it was dropped from the terms of reference.

SHRI M. L. FOTEDAR, Mr. Singh, you have not replied to my questions.

SHRI VISHWANATH PRATAP SINGH: I have replied fully (Interruptions). Madam, this is how far I could go. Now, it is almost one opinion on the terms which has come out before the people. Essentially, what has happened? The core issue of economic offenders, whether it is in the case of companies or individuals, has been cleared out of the terms of reference of the Commission. Having thus

been cleared out of the terms of reference of the Commission, now we have the statement of the Prime Minister that the Government itself has been cleared. When was the Government being questioned in the terms of reference? This is the precise point I want to make. This is the background behind it, Madam.

Madam, I want to share what were we confronted with. I started my work in the Finance Ministry with an earnestness, with a declared policy, of fighting economic offenders, individuals and otherwise. In the Finance Ministry, I had with me very able and honest officers, not only these two. I came across many such officers who dedicated themselves to the task. The first operations we took up were 'Operation Ketu' and 'Operation Kali'. It started unfolding itself. To me, it appeared as if truth was unfolding itself in direct experience. Voltas, Orkays, Reliance, Brooke Bond, Batas, Thapars, Kirloskars, DCM Bakelite Hylam, Tatas and so on. It started unfolding like that. Here are powerful groups of business houses who are above the law of this country. They behave as if the law is made for everybody below them. Merrily, they can pilfer the country and they can send money abroad. They can violate the law with impunity and they were not to be questioned. Also came the IMR report that more than Rs. 1300 crores were stashed away in Swiss banks. Somehow, I made an innocuous remark at Lucknow in one of my speeches that those who were taking away money from the country were worse than the Britishers. When I came back to Delhi, one of my colleagues asked me 'Did you make any remark against Mr. Amitabh Bachchan?' I think, he is here.

SHRI VISHVJIT PRITHVJIT SINGH (Maharashtra): I said it. (Interruptions)

SHRI VISHWANATH PRATAP SINGH). I am very glad I am grateful to him. I have great respect for Shri Vishvjit Singh. He stood like a man and said what he has said and not denied it. (Interruptions)

SHRI M. L. FOTEDAR: Mr. Singh, You have not replied to my query.

SHRI VISHWANATH PRATAP SINGH: Fotedarji, you know in your heart that I have replied in full.

SHRI M. L. FOTEDAR: You have not at all replied.

SHRI VISHWANATH PRATAP SINGH: If there is anything left, in the end, I will try to. What I could do, I am co-operating.

THE DEPUTY CHAIRMAN. You cannot have a cross-talk.

SHRI VISHWANATH PRATAP SINGH: We have worked together, Madam.

SHRI MADAN BHATIA (Nominated): Madam. I want to raise a point of order.

SHRI VISHWANATH PRATAP SINGH: I can take his name now. Shri Vishvjit Prithvijit Singh asked me 'did you make any remark against Mr. Amitabh Bachchan at Lucknow'. I said, no, that was not at all in mind. Then, he said, did your statement that the funds are going abroad which is worse than the Britishers doing it, mean anybody doing it? I said, yes, I have said it in the House, I usually say it. This is being construed as an attack on Mr. Amitabh Bachchan. I do not know how the linkages went, how signals went and got translated into different quarters differently.

SHRI NIRMAL CHATTERJEE: High technology

SHRI VISHVJIT PRITHVIJI SINGH: I have to give a clarification. This is very important. They have

been speaking about it and this is something which has to be clarified by me. I have to clarify the exact things which I said.

Madam Deputy Chairman, I would like to point out the background of this matter. There was a series of articles being published by local newspapers in Lucknow attacking Mr. Amitabh Bachchan at that point of time. These series of articles were very very vicious and they were constantly repeating one point that Mr. Amitabh Bachchan is sending the money out of the country. In the light of those articles, on the day when one of the major articles was published, Mr. Vishwanath Pratap Singh had gone to Lucknow and given this speech and said that those people who are taking the money abroad—he went on casting aspersions against a lot of people—I am going to take action against them, I am not going to be stopped any further. I had gone to his office in some other connection. In the course of conversation I mentioned, Raja, you had gone to Lucknow, did you make the speech, did you have the Bachchans in mind? He said, no. I said, well, it turned out that you have attacked the Bachchans because this is the newspaper article appearing on the very day when you have given this speech. Both of them seem to be like a conspiracy. Here is a newspaper article which used the same language which is used by Raja Vishwanath Pratap Singh on the same day. I said, this is the problem. And this is what I have to point out.

SHRI VISHWANATH PRATAP SINGH: Anyway, this is coincidence but I have not seen this in the newspaper, but I am very clear that I assured Mr. Vishvjitji that I did not mean any special name. I said, yes, we will fight anyone who does it. This was precisely the scenario.

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Now the question before all of us was whether we allow this to happen or we should fight it out. We said, we shall fight and that was the determination in the Finance Ministry. I must pay a tribute to the honesty of the officers who have worked there, who took the challenge (*Interruptions*). I knew that I am fighting the system and it will fight me back. I remember the words of Shri Nirmal Chatterjee that you are riding a tiger and the tiger may eat you or you control it. It was the system. I have really no personal grudges. I knew what we were against. And what has followed is not of individual references. I will say, it is a reaction of whole system that was challenged and that was being cornered. But I must say, whatever I have done, I have done in the national interest. And in spite of the reports, whatever the reports be, I say it hundred times over and over again that for my country this system has to be fought, big money running this country being above law, controlling so many in the Government... (*Interruptions*).

SHRI M. L. FOTEDAR: This is our policy.

AN HON MEMBER: How about Goenka also? (*Interruptions*).

SHRI M. L. FOTEDAR: This is the Prime Minister's policy, not your policy.

SHRI DIPEN GHOSH: Nash Wadia, Goenka, Khambata, all are included.

श्री कल्पनाथ राय : यह राजीव गांधी की पालिसी है... (व्यवधान)

SHRI DIPEN GHOSH: \*

THE DEPUTY CHAIRMAN: Nothing of this will go on record.

\*Not recorded.

SHRI M. L. FOTEDAR: You caught one businessman with the help of another.

SHRI VISHWANATH PRATAP SINGH: I will meet that point also. Let me come to that. Under the policy of Mr. Rajiv Gandhi, the same policy which Shri Kalpnath Rai is saying, what is the end result? One of the finest officers, Shri Vinod Pande, and Shri Bhure Lal... (*Interruptions*)... whose track record has been absolutely without any spot and has been the brightest if you see it anywhere in the past decade, wherever they have been, they have done their job with honesty and integrity...

श्री रजनी रंजन साहू (बिहार) : यह वही ईमानदार भुरे लाल है जिसने आपका कम्पनसेशन दिया है (व्यवधान) रेडी के पेड को गिन करके, श्रीराम के पेड का कम्पनसेशन दिया है (व्यवधान)

SHRI VISHWANATH PRATAP SINGH: He was the same Bhure Lal who arrested me in Allahabad during 1977-80 when Janata was in power... (*Interruptions*) These persons if they had no integrity, had any greed, they would have been rolling in money.

SHRI VITHALBHAI MOTIRAM PATEL (Gujarat). What about Bombay Dyeing?

SHRI VISHWANATH PRATAP SINGH: I will answer that. Bombay Dyeing was raided and was penalised more than Rs. 125 crores.

SHRI VITHALBHAI MOTIRAM PATEL: Out of 20 crores, certainly one crore...

SHRI VISHWANATH PRATAP SINGH: Madam, the manner in which it has been done... (*Interruptions*)

**SHRI VITHALBHAI MOTIRAM PATEL:** Which was transferred by you.

**SHRI VISHWANATH PRATAP SINGH:** Madam, what saddens one more is the manner in which it has been done. Madam, a person may be indicted, convicted and hanged, but it is also important the way it has been done. The law is thus: Section 8B of the Commissions of Inquiry Act says:

"If at any stage of the inquiry, the Commission:

(a) considers it necessary to inquire into the conduct of any person; or

(b) is of opinion that the reputation of any person is likely to be prejudicially affected by the inquiry...

even if there is such a likelihood—

the Commission shall...

it is mandatory—

...give to that person a reasonable opportunity of being heard in the inquiry...

and not only that—

...and to produce evidence in his defence."

Yes, page 25 of the Report says that.

**SHRI NIRMAL CHATTERJEE:** That part Mr. Salve has not read.

**SHRI VISHWANATH PRATAP SINGH:** And when such a notice is given, of course the right to lead evidence arises to that person. Not only that, section 8C says, that person may cross-examine a witness and may be represented before the Commission by a legal practitioner. So two more rights accrue to him.

**SHRI MADAN BHATIA:** Madam Deputy Chairman, I have a very serious point of order. I want to raise it at this stage. I may be permitted.

**SHRI VIRENDRA VERMA:** It is a point of disorder.

**SHRI MADAN BHATIA:** My respectful submission before you is that the hon. speaker has given kudos to his officers. I shall deal with that; I am not raising a point of order on that. But the question which he is raising is, under section 8-B, every person whose reputation is likely to be prejudicially affected is entitled to be heard in defence. I would like to seek this clarification through you, Madam, from the honourable Member...

**SHRI DIPEN GHOSH:** Is it a point of order?... (Interruptions)...

**SHRI MADAN BHATIA:** Of course, it is... (Interruptions)...

**SHRI NIRMAL CHATTERJEE:** At least he should be consistent. He started with a point of order. (Interruptions)...

**SHRI MADAN BHATIA:** My respectful submission before you, Madam, is that he has already misled the House—and I will deal with that later, with regard to his alleged conversation with the Prime Minister. But now... (Interruptions)... I would like to ask this question... (Interruptions)

**SHRI SATYA PRAKASH MALAVIYA:** Is it a point of order?... (Interruptions)...

**THE DEPUTY CHAIRMAN:** I have given you a chance. If you want to make a statement, you are going to speak and you can do it then. But if it is a point of order, you restrict yourself to the point of order.

SHRI MADAN BHATIA: The Commission deliberately put him a question and the question was... (*Interruptions*) .

SHRI PARVATHANENI UPENDRA: What is the point of order?

... (*Interruptions*) ...

SHRI MADAN BHATIA. I want to read... (*Interruptions*).. Madam, you have permitted me to raise a point of order. Unless I complete it... (*Interruptions*)...

THE DEPUTY CHAIRMAN: You come to your point of order.

... (*Interruptions*) ...

SHRI MADAN BHATIA: Why are you disturbing? We are not disturbing your speakers... (*Interruptions*)

...

SHRI SATYA PRAKASH MALAVIYA: Madam, kindly give your ruling. This is not a point of order... (*Interruptions*)..

SHRI MADAN BHATIA: You have no case. That's all... (*Interruptions*)  
... Shri V. P. Singh, the report says,  
... (*Interruptions*).. Just a minute, please

... (*Interruptions*) ...

SHRI RAOOF VALIULLAH: Let him make his point of order.

... (*Interruptions*) ...

SHRI MADAN BHATIA: Madam, you have permitted me, but I am not allowed to speak even a word. . (*Interruptions*)...

SHRI DIPEN GHOSH: Let Mr. Bhatia be asked to quote the rule.

DR BAPU KALDATE (Maharashtra): Under which rule?... (*Interruptions*)...

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI): Madam, it is for you to decide. How can any one of them say that it is not a point of order?

THE DEPUTY CHAIRMAN: Please confine yourself to the point of order . (*Interruptions*) ...

SHRI VIRENDRA VERMA: Don't allow anybody to disturb the House. . (*Interruptions*)..

SHRI MADAN BHATIA: Why are you so afraid of my point of order? ... (*Interruptions*).. I have not even completed my point of order. Why are you so frightened?

... (*Interruptions*) .

THE DEPUTY CHAIRMAN: Order, please Please sit down, everybody.

DR BAPU KALDATE: Under which rule?

THE DEPUTY CHAIRMAN You are unnecessarily taking a long time. ... (*Interruptions*).. What is your point of order? You don't take much time

SHRI DIPEN GHOSH: He must, first of all, quote the rule under which he would raise the point of order. He must quote the rule.. (*Interruptions*)  
...

SHRI MADAN BHATIA: He did not reply to a question posed to him as to whether he knew that Shri Bhure Lal (*Interruptions*) .

SHRI SATYA PRAKASH MALAVIYA: Is this a point of order?

SHRI MADAN BHATIA: When he is asked questions which are inconvenient to him, he refuses to answer.

Now he talks of section 8B, he is misleading this hon. House.

**SHRI VISHWANATH PRATAP SINGH.** Madam, I will answer. (*Interruptions*)

**THE DEPUTY CHAIRMAN.** Order, please

**SHRI VISHWANATH PRATAP SINGH.** The provisions of section 8B are not, Madam, on the conduct of anyone. It is a mandatory provision. If anyone's reputation is to be affected, whatever his conduct, a notice under this has to go, irrespective of his conduct. That is not the point.

Madam, I want to say that this notice under section 8B or 8C was not given either to Mr. Bhure Lal or to Mr. Vinod Pandey or to myself. Only one person was given notice under section 8B, Mr. Nushi Wadia. I do not know why this special favour to only one person while others have been denied the basic right of even a lawyer. Unless we get the notice, we cannot even represent through our lawyer. So, Madam, a precedent has been established.

**SHRI P. N. SUKUL** (Uttar Pradesh): It is not statutory

**SHRI VISHWANATH PRATAP SINGH:** It is statutory.

**SHRI P. N. SUKUL.** It is not.

**SHRI VISHWANATH PRATAP SINGH:** Madam, what has happened is that all canons of natural justice have been thrown to the winds. It is, for example, condemnation without opportunity of defence. It is laying a precedent which is an ominous portent for the future. A precedent has been laid that a person can be indicted by legally gagging him without an opportunity of saying his own point of a case. The document can be used politically by a Government before

the public to present it as if something has come from an authority, from the Judges of the Supreme Court or whatever it is. This is the greatest danger for the future, Madam. It is not for us. We can be hanged. But the foundation being laid must be fought and fought with the greatest strength we have. This precedent the country cannot afford and cannot tolerate.

Not only this, Madam, I have a letter from the Justices Thakkar-Natarajan Commission of Inquiry addressed to me. In my letter I had requested that I be permitted to inspect documents. I lay all this on the Table of the House. A letter from the Justices Thakkar-Natarajan Commission dated May 18, 1987, gave me this assurance. A very solemn assurance I had from the Justices of the Supreme Court, who are heading the Commission:

"With regard to records of the Honourable Commission, the records are entirely confidential, and these cannot be disclosed to you at this juncture. When the Honourable Commission is engaged in the investigative part of the exercise. Whatever material is relevant will be made available to you at the appropriate stage in due course of sought to be used against you."

This is the solemn promise of the Justices. Having been given this, Madam, I possess it. I am assured of the assurances of the Justices that if there is anything against me, I will be called upon and I will be shown these documents. What more assurance in this country can a citizen would have than the assurances of two Justices of the Supreme Court? Rests on it his whole reputation and career, and his life rests on it, and suddenly he comes across this document without this assurance having been fulfilled of the Justices



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Madam, I have come with pain, and I have grievance I shall lay this document, Madam

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, what a sheer mockery of democracy! (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: About cooperation.. (*Interruptions*) In spite of the fact the documents were denied, in spite of the fact that I requested that I may be allowed to be represented by a Counsel, in spite of my request that the Government be asked to put all the documents regarding economic offenders, in spite of all these requests, the point regarding cooperation that was raised, in my letter dated 21st May, 1987 I had written and I quote:

"In the circumstances I request a little time to furnish the answer to the Questionnaire and to consider how best I can safeguard my position consistent with my wholehearted desire to cooperate with the hon. Commission and supply to it all information within my knowledge."

I am on record to cooperate.

Again when these requests for an open inquiry etc. were refused, at that stage of time I had again in my letter of 24th May, 1987 written to the Commission:

"Lest this plea of mine be misconstrued as non-cooperation with the Commission, I am answering the questions submitted to me in the belief that an authoritative ruling will be pronounced by the Commission."

The ruling that I was asking was regarding the Oath of Secrecy as a Minister. I was asking the Commission to please give me a ruling if I can divulge what is under Oath of Secrecy. I never got

a ruling. Yet, I was compelled to answer the questions. Even then I answered the questions in the spirit of cooperation. There was no denial from me. I will lay all these papers on the Table of the House so that it may be on record as a full text. (*Interruptions*)

THE DEPUTY CHAIRMAN: No, it cannot be laid

SHRI VISHWANATH PRATAP SINGH: Then it should come as part of my speech. I may be allowed to read it in full

THE DEPUTY CHAIRMAN: You cannot lay the papers.

SHRI VISHWANATH PRATAP SINGH: What is said in the observations is that the Directorate of Enforcement and Revenue Intelligence was working in a 'cloak and dagger manner', in a 'hush-hush manner'. May I ask, if intelligence agencies are not to work in a cloak and dagger manner, which agency does it? But, while intelligence agencies are prescribed not to work in a cloak and dagger manner, to my request to have an open inquiry right from the start, this is what the hon Commission says:

"At present the hon Commission is engaged in the investigative exercise for collecting information on points of matters which may be considered useful or relevant to the subject matter of the inquiry, which power the hon. Commission derived from Section 5(2) of the Act. The power so conferred is not hedged by any limitation. Whether or not the Commission decides to sit in public or private, is irrelevant from the point of view of obligation to furnish information under sub-section 5(3) of the Act."

This is the answer when I asked that the Commission should not sit in camera, but in open I quote the ans-

wer: When we are in investigative stage, it is not necessary for us to go in public Justice at investigative stage cannot go in public, but intelligence investigations must be in public, not in cloak and dagger manner. It is distortion of all norms. And there has been suppression of facts by the hon Justices in the Report

The Prime Minister had asked the Finance Minister whether in this matter the Cabinet's approval was necessary or C.C.P.A approval was necessary or the Finance Secretary's approval was necessary. The Finance Secretary replied to the Prime Minister and the whole document was further forwarded by the Finance Secretary to the Commission in his written statement and in that answer to the query, the Finance Secretary has said:

"There was no need to consult Finance Secretary. It does not appear necessary to consult Cabinet or C C P A "

This being on record, Justices Thakkar-Natarajan have suppressed the fact and have not put it before the people. This was the answer from a responsible officer, highest officer of the Finance Ministry. (*Interruptions*)

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): It is the responsibility of the Minister concerned and not the Secretary as to on which things the Cabinet must be consulted. He is taking shelter behind the Secretary. Taking shelter behind the Secretary—what a poor defence,—what a poor leader?

SHRI VISHWANATH PRATAP SINGH: With all respect to my friend Shri Buta Singhji, he has just entered and takes it at the tail end of what I have been saying. (*Interruptions*)

I will come to the fact about the Prime Minister. I had given a detailed reply to Justices Thakkar-Natarajan. Hon'ble Minister of Home, this was my reply which I will also put here as part of it. This is what I have replied to the Commission and it has not got reflected here:

"The day I made the noting referred to in the question, that is, on 11-3-1987 regarding my oral clearance. I met the Prime Minister in the night in his office and told him that I have sent the file that was asked for by Shri Gopi Arora and also apprised him on the grounds on which I had given the clearance." He said "he saw nothing wrong in the clearance I had given." "When the controversy about the Fairfax was raised in the press and again when the debate about the same was scheduled in the Lok Sabha, I raised the issue with him on both the occasions." He reiterated his earlier views and told me that the Government will endorse my decision on the floor of the House and it was reflected by this sentence of the State Minister of Finance, Shri Brahm Dutt:

"मैं जो अर्रैजमेंट था उससे सेटिस-  
 फाइड था । भूतपूर्व वित्तमंत्री जी ने  
 जिस प्रकार की इजाजत दी, वह बिल्कल  
 सही दी थी ।"

Madam, there is one thing like permission and the other thing is rectification. Both principles apply when functioning. (*Interruptions*)

Madam, the Cabinet functions like a family on trust and many a time decisions are taken on the hope of ratification and when I raised it personally with the Prime Minister, he said "There is nothing wrong." What he said was "I just want to see whether the officers have exceeded your brief." Finally, he assures me "That

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your decision will be endorsed on the floor of the House." It was finally endorsed on the floor of the House as can be seen from the proceedings of this august House and still what is the question thereafter and what is being inquired into?

SHRI H. R. BHARDWAJ: I told you not to agree for an inquiry but you insisted on it

SHRI VISHWANATH PRATAP SINGH: He was not in that meeting *(Interruptions)* Madam, what I am saying is how 8(B) was denied to us on so many occasions? Had I been given 8(B) notice it would not have been necessary and this was my answer to the Commission. The Commission would have to verify it with the Prime Minister. He would have had to come to the Commission. I would have a right of cross-examination and prove my points. All are denied. I am left with a mere statement here in the House. Now what has happened? With these distortions Madam, I think, great injustice has been done by the Commission and I am sure, this can be put to a great political misuse as we are already witnessing on a day-to-day basis. What will be the result of this recommendation? The net result is economic offenders are happy. They could not have got a report nearer to their heart. The honest officers are in the dock and the morale of such officers has been dealt a lethal blow and imagine, what is the recommendation which is accepted. Mr Bhure Lal has been indicated because he meets someone outside. Now everyone, every intelligence officer should meet any informer always in his office. There should be entry. There should be first approval of any informer first from the Cabinet. This will be total paralysis of the intelligence agencies as such *(Interruptions)*

SHRI BUTA SINGH: It is not a procedural thing. *(Interruptions)*.

SHRI VISHWANATH PRATAP SINGH: Madam, a question has been raised why such an agency was engaged. Madam, this is nothing new for the revenue intelligence. May I say the Directorate of Revenue Intelligence, have done good work. They spend a lot of amount in foreign exchange in getting information from foreign contacts and if you look into the Finance Ministry records, even before I came, they have been spending this money and getting information from contacts abroad. Only Mr. Bhure Lal did not have that secret fund. *(Interruptions)*. Madam, what was the situation? I have already narrated. Here was a company which had a history of back-dating where Rs 67 crores of loan was recalled for the first time in the history of banking. We came across a case that while imports were allowed of eight machines, a Technical Committee including those officers of the Ministry of Industry reported instead of eight, twelve machines have been imported. The report lands at my desk with the signatures of the officers. How a power plant has been imported wherein Rs 23 to Rs. 30 crores were involved is not very clear and pitted against all this, initiative is taken. This is a joint report of the Ministry of Industry's officers and Ministry of Finance and not of the "Indian Express". The Indian Express had said a right thing. It is confirmed. It has done a service.

SHRI N. K. P. SALVE: Madam, they may all be hanged. The question is, he has spoken for one hour. Let him come to the report directly *(Interruptions)* Are the issues of economic offences... *(Interruptions)* All these people whom he is referring to *(Interruptions)*

THE DEPUTY CHAIRMAN: He is summing up now

SHRI VISHWANATH PRATAP SINGH: Madam, this is a part of it. I will never get this chance again.

THE DEPUTY CHAIRMAN: For one full hour, you have spoken. You stated at 5'O'clock and now it is 6'O'clock.

6 P.M.

SHRI VISHWANATH PRATAP SINGH: Madam, the whole life is at stake. The position was....(Interruptions) There were not more than four persons abroad of the Directorate of Enforcement. In the U.S. from where the supplies came, there was no Officer. If we send our Officers, it is not easy to develop intelligence contacts and money is, any way, spent. And only one getting evidence payment is to be made. It is not as if anyone giving any piece of evidence is paid. It is always after verifying if the intelligence is correct or not, only on concrete evidence, any payment is to be made. I gave a general clearance. It was not only cost-effective but also, Madam, I did have in mind that it will instil the fear of God on all those who had money abroad, anywhere, in any corner of the world. I think, precisely, that is where I went wrong, not on other counts. It did instil the fear of God on those who had accounts, those who had money, and that was my crime which has unfolded itself finally into various forms, Madam, now coming to questions about the credentials, it has been mentioned on the floor of the House by the Minister of State Shri Brahm Duttji, on 31 March 1987 replying to Mr. Somnath Chatterjee. He said,

श्री सोमनाथ चटर्जी ने पूछा कि फेयर फैक्स के क्रेडेंशियल्स क्या है ? उसके टेडी-शन्स क्या और उनका अनुभव क्या है ? हम एक इंफार्मर से वैसा पूछ सकते हैं ? तब इंफार्मेशन दोगे तो वैसा देंगे। इसलिये कुछ पूछा नहीं गया।

It is correct. And he has said it so many times. I need not repeat that. He was an informer

उनकी हैसियत केवल इंफार्मर की थी। एक अदमी इंफार्मेशन देता है और उसकी

इंफार्मेशन पर अगर सरकार को फायदा होता है तो उसका हिस्सा उसको दिया जाता है।

So, after this clarification and after saying there is no need of credential by the Government itself, by the Minister of State, I do not know what we are at.

श्री बुटा सिंह : आपका रोल क्या है ? आपने क्या उनसे पूछा था ? आज लोगों के बीच खड़े होकर क्यों बात करते हैं ? अपनी बात करिये।

SHRI VISHWANATH PRATAP SINGH: I will answer the specific question. Every morning, Madam, when I used to meet at my place—there was no appointment—many people had turned up to me and said that they had got information about so and so. I have always referred them to the Department and in the Department, we keep secret numbers for contacts. The question is, when I am to receive information, I have to verify the information, not the informer. How am I concerned with the informer? When I get information, I verify whether it is correct and take action.

SHRI BUTA SINGH: Here, Madam, in this case, it is not an ordinary informer. This is an agency from America. The Finance Minister ought to have checked the antecedents of this agency. He is trying to conveniently avoid it.

SHRI VISHWANATH PRATAP SINGH: The question which the report has raised is why I gave oral orders. Madam, it was a Minister's oral order. The Prime Minister himself has given me oral orders which I have executed. And had an 8B notice been given to me, I could have cross-examined him on this point. In fact, it is known to public that a Foreign Secretary was dismissed by oral orders

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in Public. Mr. Marwaha was again dismissed or removed from his post by oral orders and also...

श्री बूटा सिंह : इनके केस मे इनको डिमिशन नहीं दिया गया, इनको डिफेस मे लिया गया .. (व्यवधान)

SHRI VISHWANATH PRATAP SINGH I had increased a fund of Mr. Buta Singh's Department on oral orders...

SHRI BUTA SINGH: No.

SHRI VISHWANATH PRATAP SINGH: Yes, you know it, you know which fund I had increased.

SHRI BUTA SINGH At that time he did not know who the agents were.

SHRI VISHWANATH PRATAP SINGH I am on the point of oral orders. The Prime Minister himself had given oral orders several times. Mr. Nagarani, for instance, of Mr. Buta Singh's Home Department, was the Director-General of Security Guards. He was at that time removed.

SHRI BUTA SINGH: Superannuated

SHRI VISHWANATH PRATAP SINGH: ...because he gave in writing that there were certain people who were going to be trained abroad. I do not want to disclose the details because I owe a responsibility to the country. His fault was he reduced it to writing and he was removed, as to why such information was reduced to writing. (Interruption) Yes, you find it out from the records. Just for the fault of reducing it to writing he was removed. The point is in intelligence work, in sensitive matters, many a time oral instructions are issued, because, otherwise, it goes to the typists, then it goes into the registers for entries, and so on; and, therefore, in many sensitive matters we do function in this manner.

Then, a point is made why after coming to Defence Ministry notings were made. Now, as soon as I came to know that the question was being asked as to who gave permission for utilising a foreign agency and officers were being questioned and Mr. Brahm Dutt was replying on the floor of the Lok Sabha, it was dialogued—I am locating it to refresh his memory—I told him that this sort of questions were being asked, I gave the clearance. So I wanted to go on record, just in case some other Government comes and we may not be there, at least the officers will be safeguarded because neither I nor you would be there to defend them. (Interruption) Today I tell you the truth and, Madam, you protect me (Interruptions) After the Budget was presented, Revenue Secretary and Banking Secretary had dropped in my office just to get my reaction of the Budget as I had been the Finance Minister a few months earlier. When I mentioned this to the Revenue Secretary that I had mentioned to the Minister of State about all this and if there was a reference I wished to go on record, they said, all right. Now, if you look to page 155 of the report itself, para (b) of page 155, Vinod Pande made it clear. That officer did not do anything surreptitiously in sending the file there. He informed the Minister of State. (Interruption) He took him into confidence and the Minister of State for Finance, Shri Brahm Dutt, was apprised on the same day that I had sent the file to the Defence Minister.

'The Minister of State, Shri Brahm Dutt, said that the Defence Minister had told him of the question and said that the former Finance Minister wished to place the decision on record.'

Madam, the Minister was taken into confidence. There is nothing which has surreptitiously happened and it is no back dating or creating a file. Madam, let me know, if officers are being questioned as to who gave the authority to act and if they are to be hanged for it, who else will

record than myself who had given the authority to act? Nobody else would have recorded it And, will I fight shy of it, by not recording when the question came? And, it was on that date and after that, that I told the Prime Minister of the same and, finally it was endorsed on the floor of the House ... (Interruptions) ..

श्री राम अवधेश सिंह : इसके लिए कमीशन को इतका बड़ाई देनी चाहिए क्योंकि यह जिम्मेदारी इन्होंने अपने ऊपर ले ली ।

SHRI VISHWANATH PRATAP SINGH: Finally Madam.. (Interruptions) ... Finally, Madam. (Interruptions) .. Finally, Madam, the question of the security of India has been raised .. (Interruptions) ..

SHRI MADAN BHATIA Madam, just for my information only .. (Interruptions) .. I am only asking (Interruptions) ...

SHRI VISHWANATH PRATAP SINGH Madam, I am making the last point. (Interruptions) .. On the security of India, the main point that has been made is that a private agency, that a foreign private agency, has been engaged (Interruptions) .. I am not such a shirker .. (Interruptions) .. Even if I do not have the knowledge, I take the responsibility What is there? (Interruptions) .. It has been said that because a private agency has been engaged, a foreign private agency has been engaged, the security of India has been jeopardized.

SHRI DARBARA SINGH (Punjab) Restrict yourself to Mr. Hershman

SHRI VISHWANATH PRATAP SINGH Mr. Darbara Singh, let me say a few things and then see whether you open your mouth or keep it shut... (Interruptions) ...

SHRI DIPEN GHOSH: You know what Mr Moynihan has written. . . (Interruptions) ..

SHRI VISHWANATH PRATAP SINGH: May I say, Madam... (Interruptions) .. May I say, Madam, that had a

notice under 8(B) been given... (Interruptions) ... Madam may I say that had a notice under 8(B) been given... (Interruptions) ... Madam, may I say that had a notice under 8(B) been given, on this point I could have .. (Interruptions) ... cross-examined the Prime Minister on the information which he had personally given to me. For a foreign private agency .. (Interruptions) ...

SHRIMATI JAYANTHI NATARAJAN: Madam, on a point of order. (Interruptions) Madam, I am on a legal point of order (Interruptions) ...

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): Madam, I am also on a point of order. (Interruptions)

SHRIMATI JAYANTHI NATARAJAN Madam, I am on a point of order. (Interruptions) ... Madam, it is under the Commissions of Inquiry Act and there is nothing personal in this. (Interruptions) ..

SHRI PUTTAGAPA RADHAKRISHNA Madam, I am on a point of order. (Interruptions) ..

SHRIMATI JAYANTHI NATARAJAN: I just want to make a point of order, Madam Under section 8(B) of the Commissions of Inquiry Act, if a notice is given to the honourable Member who is speaking now, it does not mean that he can cross-examine the Prime Minister. (Interruptions) .. I am making my point of order (Interruptions)

SHRI RAOOF VALIULLAH: She is enlightening you (Interruptions). She is enlightening you on a legal procedure. (Interruptions) .. Please listen, she is enlightening you .. (Interruptions) ..

SHRIMATI JAYANTHI NATARAJAN: Madam, I am on my point of order.. (Interruptions) ...

SHRI RAOOF VALIULLAH: Let her enlighten the ignorant Members... (Interruptions) ...

SHRIMATI JAYANTHI NATARAJAN:

Madam, there is nothing personal in this. I just want to point out that under section 8(C), the appropriate Government... (Interruptions)...

SHRI RAOOF VALIULLAH: You people can stand up later if you have any points of order. First, please listen to her. She is enlightening you. (Interruptions).

SHRIMATI JAYANTHI NATARAJAN: I have taken the permission from the Chair and I am still on my point of order. (Interruptions)...

SHRI RAOOF VALIULLAH: Let her make her point of order. Madam, she is enlightening the ignorant Opposition Members... (Interruptions)

SHRI PUTTAPAGA RADHAKRISHNA: Madam, ... (Interruptions)...

SHRIMATI JAYANTHI NATARAJAN: Madam, under section 8(C) which provides for cross-examination which he referred to earlier also, if a notice is given to him, he can cross-examine a witness other than a witness produced by him and so, the Prime Minister could not have been cross-examined. (Interruptions) ... He could not have cross-examined the Prime Minister ... (Interruptions). So, it is totally wrong to say that he could have cross-examined the Prime Minister ... (Interruptions) ...

SHRI VISHWANATH PRATAP SINGH: At least I could have mentioned, with the security of the court or the Commission (Interruptions) against any information I have with me as Minister—today I enjoy the privilege of the House... (Interruptions) ... that a private agency has been engaged, a foreign agency, to train the people of SPG who are in charge of the personal security of the Prime Minister

SOME HON MEMBERS: Shame. Shame ... (Interruptions).

श्री राम अवधेश सिंह : अभी श्री विश्व-  
नारायण सिंह जी ने कुछ कहा है उसको

श्री बूटा सिंह डिनार्ड करे या प्रसिद्ध क  
... (व्यवधान) ।

SHRI V. NARAYANSAMY (Pondicherry): Can he prove that fact? (Interruptions).

SHRI VISHWANATH PRATAP SINGH: I do not need a denial or assertion, because ... (Interruptions).

श्री राम अवधेश सिंह : हम जानना चाहते  
हैं कि इस बारे में होम मिनिस्टर क क्या  
कहना है ... (व्यवधान) ।

SHRI BUTA SINGH: This question was asked in Parliament, and a categorical reply was given. But if someone is bent upon repeating untruths it will not make truth out of it. (Interruptions).

SHRI DIPEN GHOSH: Let there be a Commission of Inquiry as the Fairfax, whether any private agency was appointed to train the Prime Minister's security. (Interruptions).

SHRI VISHWANATH PRATAP SINGH: I do not need a denial or to go into Parliamentary answers. I have learnt it from the horse's mouth.\*

SHRI BUTA SINGH: I expected Vishwanathji ... (Interruptions).

THE DEPUTY CHAIRMAN: Please be quiet Sit down. (Interruptions).

श्री कल्पनाथ राय : यह गलत है ।

श्री राम अवधेश सिंह आप इसके लिए  
इन्क्वायरी बैठाइये ... (व्यवधान) ।

SHRI BUTA SINGH: I was expecting that Vishwanathji will at least keep up that farce of a truthful man But today I am really disappointed

that he is putting his own words in the mouth of the Prime Minister. (Interruptions) Without any authentic proof, he is putting his own words in the mouth of the Prime Minister (Interruptions).

SHRI NIRMAL CHATTERJEE: Because he is the product of the mouth of the Prime Minister. (Interruptions).

THE DEPUTY CHAIRMAN: Now, Mr. Singh, listen. The Prime Minister is not here to defend whether he said it or not. And, therefore, it cannot go on record. (Interruptions).

SHRI PARVATHANENI UPENDRA: His Ministers are there. They can deny. (Interruptions). Why can't the refer to the Prime Minister? He is the head of the Government. Why can't you refer to him? (Interruptions).

SHRI N. K. P. SALVE: Madam, I am on Rule 238-A (Interruptions)

श्री जगदम्बी प्रसाद यादव (बिहार) :  
ब्राइम मिनिस्टर तो हाउस में हमेशा प्रजेन्ट  
रहता है।

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND THE MINIS-  
TER OF FOOD AND CIVIL SUP-  
PLIES (SHRI H. K. L. BHAGAT):  
Madam, the hon. Member, Mr. V. P. Singh, is making a reflection and an insinuation against the Prime Minister (Interruptions) Please wait Rule 238-A says

"No allegation of a defamatory or incriminatory nature shall be made by a Member against any other member or a member of the House unless the member making the allegation has given previous intimation to the Chairman and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply."

He cannot cast any aspersion or reflexion on the Prime Minister. In particular, he cannot make this kind of insinuation unless there is a substantive motion. Therefore, it should be expunged

THE DEPUTY CHAIRMAN: It will not go on record.

SHRI N. K. P. SALVE: If he thinks that these remarks which he has made are necessary and relevant for the purpose of making his point, he can do it provided he follows the procedure in Rule 238A. No allegation...

SHRI VISHWANATH PRATAP SINGH: It is not an allegation.

SHRI N. K. P. SALVE: I seek your ruling. The hon. Member has made certain arguments which have been challenged by others. At this stage, the fact is not proved. It is an allegation at this stage. I want your ruling, Madam.

SHRI DIPEN GHOSH: It is not an allegation.

THE DEPUTY CHAIRMAN: No allegation of a defamatory or incriminatory nature shall be made by a member against any other member or a member of the House (that means the Lok Sabha) unless the member making the allegation. (Interruptions).

SHRI DIPEN GHOSH: The Prime Minister is the head of the Government. Therefore, you can always refer to him.

SHRI BUTA SINGH: I would only say that Shri V P Singh is trying to create an alibi by putting his own statement in the mouth of the Prime Minister. It is not a fact. It is untrue. It is baseless and I deny it totally.

SHRI VISHWANATH PRATAP SINGH: I repeat what I have said.



**SHRI PARVATHANENI UPENDRA:** Do you know what the Prime Minister told him? Were you present? Madam, how does Mr. Buta Singh know?

**SHI H. K. L. BHAGAT:** The procedure is here. You should have brought a substantive motion. You know the procedure.

**THE DEPUTY CHAIRMAN:** Please sit down everybody. I have already given the noting that it will not go record.

**SHRI VISHWANATH PRATAP SINGH:** I am moving to the next point. There is a point about the use of a foreign agency. In Gen Vaidya's case, we used an American agency.

**SHRI BUTA SINGH:** It is a system which is available to every country. Shri V. P. Singh is behaving like a child. Interpol is available to all the countries. We got the help of Interpol. He has lost his balance. Interpol is available to all the countries of the world.

*(Interruptions)*

There is no secret about it. What did he do? He never cared to ask who Mr. Hershman is and what his organisation is.

**SHRI VISHWANATH PRATAP SINGH:** Should I go over the debate again?

**THE DEPUTY CHAIRMAN:** Please conclude now. There shall be no interruptions).

**SHRI VISHWANATH PRATAP SINGH:** I am not allowed to conclude. I am trying to conclude. In Bofors case, the Prime Minister has asked a foreign Government to investigate and give information. The point is that economic offenders who throttle the economy are more than murderers. Can we not take help which can expose them? That is the

point. And when we were receiving information, no information was given. And a peculiar decision has come from this Report that no information was given to Fairfax, no information was received, no payment was made, yet the security was endangered. And if it was endangered then, on 7th January Mr. Bhure Lal gave the authorisation letter, on 24th I moved out, my constructive responsibility was for two weeks; And for four months, the Prime Minister as the Finance Minister keeps Fairfax. When I raised the issue, then he terminated it in May. On 11th March he knows it personally. If that is true, then has the Thakkar-Natarajan Commission indicted the Prime Minister for keeping Fairfax? Why didn't they question him? *(Interruptions)* Madam, the point is that if Japan asks some agency here to investigate about some payments, say in Maruti, some illegal payments, then the security of Japan gets endangered! It is a funny argument. And this Report has become a charter for the economic offenders, a Bible for them to read so that the Government can be paralysed after accepting it.

Lastly, Madam, I would conclude where my friend Mr. Salve has concluded. I will read out again. I think we have come to common conclusions, perhaps, with different contexts and different results.

I am reading from page 264 of the Thakkar-Natarajan Commission Report

"The leadership of the international community would not view the leadership of the country whose leadership is under a cloud with the same amount of respect and deference. The leaders of the world would not conduct their affairs vis-a-vis leaders under a cloud with the requisite degree of trust and confidence which are essential for arriving at a mutually advantageous long term relationship. The voice

of such a handicapped country with such a handicapped leadership would become weak or inaudible or would not carry the same weight or inspire the same faith."

Madam, precisely we have got a leadership like this and we should get rid of that leadership. Only then the country is safe.

SHRI GURUDAS DAS GUPTA:  
Madam. \*\*

THE DEPUTY CHAIRMAN: This will not go on record.

SHRI P. SHIV SHANKER: Madam Deputy Chairman, I start with a question as to what exactly are we discussing here. There are two aspects of it. One is the Commission, its working and the Report part of it. The second is the part of the Report which deals with the functioning of the Finance Ministry under Shri Vishwanath Pratap Singh which was taking the decisions, the decisions to engage a foreign agency. On the first aspect of it, I know that the guns are directed and will be directed from the other side. So far as the working of the Finance Ministry is concerned, I am aware that that will be left totally untouched by the other side. The irony of the matter is that if Mr. V. P. Singh were to sit on this side, they would have gunned all of us, including him, but since today Mr. V. P. Singh has joined their ranks, therefore their ethical and moral values are such. good, bad, indifferent whatever it could be, anything against the Government we will say, whatever has happened we will shield. That shows what are the ethos and values of those who are sitting on that side. That is how they are presenting the whole picture. Their values and ethos would come to be scrutinised by the people at large. While I will come to be diverse aspects where my erstwhile colleague had made refer-

ences relevant or irrelevant both, matters which are not personally known to me, I will not be able to answer, but matters about which he has referred and I had at that stage itself claimed a reservation. I will make my submissions, I will certainly make them. But before that I would like to say a little briefly about the working of the Commission, in spite of difficulties how it worked and what is it that we have to say about the Fairfax Commission itself.

Madam, if we see the report from pages 2 to 4, there is a reference of what was said at that time by the colleagues in the other House of the hon. Member sitting here. I am sure nothing will be said about that, because the situation has changed. But it is they who raised the question how did you appoint? Did you try to know the background? what are the terms? What are the payments? These are the issues that were also raised here. It was also raised in that House and in this House and part of it is narrated here on pages 2 to 4. It is this which led to the ultimate appointment because it were they who had been asking that a proper commission be appointed to go into the various questions.

I will come to the terms at a later stage because that is a matter where I have to answer my erstwhile colleague, but I would like at the outset to make the submission as to what exactly is the scope of the inquiry under the Commissions of Inquiry Act because certain of the aspects have been criticised, certain further aspects would perhaps be criticised later and, therefore, I think I should proceed from this.

Madam, it is a well-known fact that the Commission of Inquiry is neither a court nor a tribunal. It is not prosecutorial. It is only inquisitorial. It is merely a fact-finding authority, which is to find the facts and make a report to the Government. It has

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two faces of approaches, one it can investigate certain facts and then proceed with the inquiry if it likes, Hon. Members are aware that there is something like section 5(2) of the Act and I quote it for their benefit: "The Commission shall have the power to require any person subject to any privilege which may be claimed by the person under any law for the time being in force to furnish information on such points or matters as in the opinion of the Commission maybe useful for or relevant to the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code." At the outset, the Commission proceeded to collect information as required under Section 5(2). I would not like to go into the details of the provisions of the Act; maybe, somebody else goes into it. But subject to the rules that are framed by the appropriate Government, the Commission has also its own authority to frame the rules. If we look up at page 29 of this very Report, the Commission has framed the diverse rules, which is given in Appendix I. Rules 5 and 6 are relevant. The Commission may, for the purpose of requiring any person to furnish...

SHRI JASWANT SINGH: The hon. Minister has stated that the Commission can frame its own rules, which is not in dispute. But the clarification I am seeking is, can the Commission frame rules which may be violative of the Commission of Inquiry Act?

SHRI P. SHIV SHANKER: I have not come to that; I am only reading the rule. I am glad you seem to be a good astrologer to foresee what I am going to say. I will come to that.

5. "The Commission may for the purpose of requiring any person to

furnish information on such points or matters, as in the opinion of the Commission may be useful or relevant to the subject-matter of the inquiry in exercise of powers conferred under Section 5(2) of the Commissions of Inquiry Act, 1952, personally interrogate any such person on oath or otherwise."

Not only that a person under Section 5(2) could be called to furnish information but if they think fit, they can as well interrogate. This is the preliminary stage. Under rule 6,

"The Commission may also in exercise of powers under Section 5(2) of the Commissions of Inquiry Act, 1952, call for information on any subject by addressing communication to any person or authority. Such communication may specify the points on which information is sought and may embody interrogatories which may be required to be answered. The Commission may also desire such persons to send affidavits in support of the information or answers given in response thereto if the Commission considers it necessary or expedient."

The Commission at the outset, as is clear from the Report itself, has used these rules for the purposes of gathering information by asking the parties, by supplying them the interrogatories and asking them to reply on affidavits. I will read one more rule and I am done. That is rule 12(b):

"Only such parties as in the opinion of the Commission are directly concerned with or affected by the particular part or subject-matter with reference to which a separate and/or phased inquiry is being conducted may be permitted to participate at such inquiry. Persons who in the opinion of the Commission are not directly connected with the subject-matter of that part

of the inquiry will not be entitled to participate therein"

That is where the answer is about the grouse of Mr. Salve when he said that we had made representation and the Commission thought, exercising powers under 12(b), that they should not allow them to appear. I would not like to go into it further. What I submit at this stage is that so far as the Commission is concerned, the Commission had the Act before it, had the rules before it for the purpose of collecting information. I would again get back to submit that it is only a fact-finding authority. It is neither a court nor a tribunal. It is not prosecutorial; it is only inquisitorial.

Having made my submission on that aspect. I would like to submit that—where is it that the Commission has erred? They were saying about 8(b3; I will come to it at a later stage. But look at the way the broadside is being made against the Commission, though many hon Members from that side say that they would like to maintain the dignity of the judiciary, that they would not like to make any comments etc. Touch-me-not policy. But none the less, when it suits them, they can go to the extent of decrying the very sitting judges of the Supreme Court. That is their ethos. It is a question of timing, occasion, chance. They can speak with different tongues. As I said earlier, if Mr. Vishwanath Pratap Singh were to be on this side, he would have been made a mincemeat with the choicest of epithets of which they are experts. But the situation is different. Therefore, it is now an attack on the sitting judges

What I would like to say is this. On my part, before I go into the other aspects, I would like to convey my compliments to the hon judges

who have taken so much pains for the purpose of bringing out this report...

DR. BAPU KALDATE: What an irony!

SHRI P. SHIV SHANKER: ...despite the fact that they were working under great constraints. They have themselves expressed it. It is not as if I am saying this. In fact, their apprehensions seem to be coming true. What I would like to say is this. It is doubtful whether hereafter any Chief Justice would ever agree to spare a sitting judge. After hearing what is being said from the other side, it is doubtful whether any Chief Justice would ever agree to spare any judge for any Commission or any sitting judge would ever accept such a type of assignment. I would like to tell you that is what exactly the Commission had to say on two occasions. That is why I am saying that in spite of lot of constraints, the report which has been submitted is praiseworthy. They have said on page 67. They were dealing with the aspects of constraints and so on. They were referring about the difficulties they had to come across in the working of the Commissions of Inquiry Act itself. This is what they have said:

"The conclusion accordingly is inescapable that as the Act stands today and the situation which prevails as at present, the purpose of appointing a Commission can be defeated and the work of the Commission can be thwarted if a person is prepared to adopt an intransigent course of action. This Commission has with dismay and distress realised the ineffectiveness of the concerned provisions in such a situation in the present matter itself as will be evident in the course of the discussion at the appropriate place."

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At another place, on page 81, they come out to say:

"The Commission is impelled to place into focus these aspects so that when an occasion arises in future, the incumbents of judicial office who are called upon to discharge such functions are....

SHRI K. VASUDEVA PANICKER (Orissa): Madam, Mr. Vishwanath Pratap Singh has gone away. Will you please ask him to come back? (*Interruptions*)

SHRI PARVATHANENI UPEN-DRA: He is not going to reply to every point

SHRI NIRMAL CHATTERJEE: Madam, he should be asked to sit here and he should also be given the right of reply. (*Interruptions*)

SHRI P. SHIV SHANKER: Madam, I will continue reading. The Commission have said "The Commission is impelled to place into focus these aspects so that when an occasion arises in future, the incumbents of judicial office who are called upon to discharge such functions are not placed in an embarrassing situation."

"They may well refuse to undertake the assignment for the aforesaid valid reasons unless the relevant statutes are suitably modified and the officials concerned are assured of full protection from all quarters."

These observations were made by the hon. Judges in the context of the trial by the opposition, the trial by the newspapers and the trial by the magazines. What an unfortunate situation that those who want to claim that they are defenders of the faith have to behave themselves in such a fashion that even Judges have a comment to say that in future it

will not be possible for the sitting Judges to accept this type of office which creates embarrassment for them? I leave this to them to decide.

SHRI PARVATHANENI UPEN-DRA: Why did you cast aspersions against Justice R. N. Agarwal. (*Interruptions*)

SHRI P. SHIV SHANKER: I am not aware of him. In fact, I take the credit for having appointed him the Chief Justice even for five days. And what you are talking about him? I would like to tell you that the gentleman was reverted back during the Emergency as a District Judge. Afterwards, during the Janata time when he was appointed, he was given a notional seniority over a lot of people even though he did not serve in the court. In spite of that, we did not want to disturb him. So, please don't take it like that. Apart from that, when we were debating the issue the other day, I have already given an assurance about the propriety of appointing retired Judges to the Commissions. The issues were raised by your colleagues on the other side. They were very vehement that such people should not be appointed. I said that speaking for myself I might agree with that view, but we will have to evolve some formulae whereby in a situation like this we should know how we should act. I was trying to say that I know that my friends on the other side have started or would like to criticise these two Judges, who, fortunately or unfortunately, are the sitting Judges. But the point then is, they should not be hypocrites for saying that they have always tried to defend the dignity of the judiciary.

After having made the preliminary remark with reference to these Judges, that it may not be possible for the Judges to accept this type of assignments, I would go to the

main points where they have been trying to find fault with the Commission. I have already said that it is a fact-finding Commission. As regards section 8-B where it is said that a notice ought to have been given, Madam, if one looks into the section itself, primarily it is a matter where the Commission itself has to decide, it is a satisfaction of the Commission. Section 8-B itself reads—I am going to explain it a little later—

“If at any stage of the inquiry the Commission considers it necessary to inquire into the conduct of any person or is of opinion that the reputation of any person is likely to be pre-judicially affected...”

These issues have to be decided by the Commission. What is the position in this case? The purpose of the Commission as evolved was to place only certain facts gathered by it in the course of the inquiry without giving any judgment on those facts where section 8-B is attracted. I am prepared to read about everyone who has been discussed in the report. What is the finding? To start with let me go ahead with Mr. V. P. Singh himself. If you kindly look at page 176 of this book, where they say of all the questions. After raising eight questions, very serious questions pertaining to the functioning of the Finance Ministry of the Government of India during the tenure of Mr. V. P. Singh, they have raised very disturbing issue and then they say — I would not like to read them because it may not be necessary — “all these issues clamour for serious attention from the point of view of the functioning of the Central Government and from the perspective of national interests. they cannot be tackled by the Commission having regard to the scope of the terms of reference. These vital questions therefore require to be tackled at the level of the Central Govern-

ment in order to ensure that such an embarrassing situation is not created in future and the national interest is not jeopardised. I would like to ask one question. So far as the matter of collection of facts is concerned, namely that Mr. V. P. Singh orally ordered for the purposes of appointing a foreign agency, that Mr. V. P. Singh did not know who that agency was till a very very late stage, that he gave unbridled powers to his officers so that they could go and engage anyone—was it not the duty of the Finance Minister to at least find out the party who is being engaged, what its antecedents are when it is now said on all hands that ex-CIA men were employed in that particular firm. Nothing, so far as facts are concerned. These facts are not disputed. Nobody is disputing these facts and it was only at a later stage when he moved to the Defence Ministry that he called for the file and made certain endorsements. That is why I said that the basic approach, the only approach of the Commission under the law is that it is a fact finding commission and it is neither a court nor a tribunal. It is only inquisitorial; it is not prosecutorial. I have made that submission and I

am repeating it so that the matter becomes clear. It is on that basis that they raised certain questions. They have not said anything indicting Mr. V. P. Singh, then of course it was necessary that a notice should have been given under section 8B. Now where is the occasion? I have read section 8B for you. In the opinion of the Commission, it has got to go into it if it is going to affect his reputation. But the very fact that hon. Members on the other side are going to praise him, his reputation is not being affected, because all of them have, I think, only one approach. I am sure every one — they have already started it — will sing the songs of praise in favour of Mr. V. P. Singh. And still why do

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they ask for a notice under section 8B? Where is the occasion?

Similarly, after collecting the facts in respect of other persons, they proceed to say: we would not like to go into it, whether it is Bhure Lal or whether it is Vinod Pande etc. So they have not gone to invoke section 8B. They thought, and felt that they were stonewalled by the attitude of some of the persons — be it Gurumurthy, be it Nusli Wadia, or be it Hershman. They thought that it would be meaningless. In fact, I very very vividly recall, that the lawyer for Mr. Nusli Wadia — I think he was the lawyer for Mr. Gurumurthy also — pleaded at one stage to close the Commission. This is what appeared in the papers. Therefore, where is it that you say you have been found fault with? And why do you now say section of 8B? This is one aspect. I will come to certain aspects which he has raised at a later stage I would not like to go into them at this stage. Having made my submission on this aspect, I think it is better that I go straight to some of the points which have been raised.

Mr V P Singh goes to the extent of saying, referring to the statement of Mr. Brahm Dutt — and he said that I will bear him out and that is why I am answering it very clearly—that the Prime Minister said that the answers of Mr Brahm Dutt were inadequate. That was the language which he used. Then Mr. V. P. Singh is said to have raised with him about the matter of Bachchans. Then, taking the totality of the matter, namely, the inadequacy of the answers of Mr Brahm Dutt and the issue raised by him, the Prime Minister is said to have spoken to him of a Commission to be appointed—and he said that I was there. I would like to tell you where We

erred. Some of the things which he, perhaps, should not have said, he has referred to, and in order to set the record straight we too will have to say certain things.

When this issue came up in the Lok Sabha—I would like to be very clear—I was one person who said, “Throw the file on the Table of the House, forget about it”. It was Mr. V. P. Singh who persuaded—please do not forget, he was the Number Two man in the Cabinet and it is possible that he had certain hidden ambitions about which I can't say; I am no one to say anything; he is a great gentleman; I would not like to give him any certificate of whatsoever nature. What actually happened was, he persuaded the Prime Minister that he should be saved, and at that time, every one of the honourable Members was saying, “Look, what is the type of Government that is running the apparatus that you are engaging the CIA, you are engaging a foreign agency without going into the background, what are the terms, how much money has been paid, how did you engage them” and so on and so forth. All these questions were raised here in this House and the other House. I would like to bring to your notice that we were all persuaded and, because of him, we persuaded the Prime Minister that he should be defended. Mr Brahm Dutt had to give the answers I am saying this today with authority. If only my colleagues were to agree at that time to throw the file there, the truth would have been there, nobody would have bothered. I would also like to tell you—and he should bear me out—that throughout I have been saying that no purpose would be served by appointing a Commission in a matter like this, and in spite of that the Prime Minister was persuaded by no less a person than Mr V. P. Singh himself saying that it would clear him. “It will

clear me. Therefore, you appoint a Commission". I wish he should have been here. For the last he and I talked in my chamber and I told him, "Please don't think of a Commission because, to me it appears that a Commission's appointment will not be proper". But then, he insisted on it, and immediately thereafter we had to go to the Prime Minister. Then the Prime Minister said, "All right, I yield. Mr. Vishwanath Pratap Singh, if you think that is the only way by virtue of which you can get through the matter and if it is in your interests, perfectly all right".

I would also like to tell you on the other question that he raised. We did discuss threadbare the terms of reference. He was party to it. He is a man who was present, on more than one occasion, when we discussed, and the question arose as to what terms of reference must be made for the Commission? Perhaps, he should have been here to answer. He said, please take into consideration all the questions that the opposition parties have raised in the debate. If you kindly read pages 2 to 4 here and also the debates which had taken place in the other House and in this House, you would come to know that it is exactly those issues which the opposition parties

had raised that are the reference to the Commission.

7.00 p.m. Once you frame the terms of reference for the Commission,

I would like to ask how you expect the judges to go beyond the terms of reference.

**SHRI NIRMAL CHATTERJEE:** Shiv Shankerji, what about that part of it to which he has made a reference, which he is prepared to lay on the Table? He wanted that part to be included.

**SHRI P. SHIV SHANKER:** I would like to tell you that he has said that that was a matter between him and the Prime Minister. I am saying

everything that I know of. But that never came to my knowledge as a member of the CCPA. He was also a member of the CCPA. There are four or five Members of the CCPA. We have discussed everything. But this particular paper which, he said, he was prepared to lay on the Table, never saw the light of the day, so far as I am concerned. I do not know what transpired between him and the Prime Minister, I am not aware of that. But there is no doubt about it that the Prime Minister had an implicit confidence in him. For anything he used to discuss with him, and he enjoyed confidence, and today he has turned out to be, "And you Brutus". What else is it?

**SHRI KALPNATH RAI:** Thou too Brutus.

**SHRI P. SHIV SHANKER:** I would like to refer to another aspect. He was referring to Judges. I am only sorry about the way he has tried to paint it. I was not the Law Minister at that time. What had happened was that the CCPA was discussing. I am sorry to say this because he has referred to certain things. If they are not referred to, it would appear as if they have not been answered. In the meeting of the CCPA it was discussed. When it was discussed, the question came up, whether a retired Judge should be thought of or a sitting Judge. Mr. V. P. Singh, in his exuberance, thought that he had got to clear himself and said, "I want a sitting Judge". The decision was taken in the CCPA for appointing a sitting Judge on the Commission. After we discussed the problems, the Law Minister, Mr. Bhardwaj at that time, was asked to write a letter to the Chief Justice. The letter was written only saying, "Please spare one Judge for the purpose of this Commission, and we would like to have these terms of reference which were sorted out by the CCPA". I would like to



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say that the Chief Justice himself thought that in order to give credibility to a matter of this nature there should be two Judges. When he wrote back, he said, "I would like to have two Judges to preside over this Commission in order to give a proper credibility to the Commission before the people".

It is very easy for us to say at this distance of time. He has gone to the side of the other hon. Members. Whatever word, each and every word that would be said by my friend on the other side would be accepted as gospel truth by the Members on the other side, and whatever I say will not be accepted because I sit on this side. That is the story. It is precisely this. At any point of time so far did he ever say "Look I wanted the terms of reference generally about economic offenders". I for one admire Misraji. He very rightly posed a question: What is the central issue of the whole thing? The central issue is economic offenders. The central issue, as he said, is that there should have been a proper investigation and enquiry with reference to how much capital is flying away from this nation. I am entirely in agreement with him on this issue. I do not know whether a commission can do it because I have my own doubts. I may not agree with that part of it. But there are other measures which have to be thought of. Today my hon. friend on the other side is saying that this is the main issue. I would like to ask him whether as long as he was in the Government, except that he is saying now, has he said that this is the central issue. He has not till today said it. I am saying this with confidence. Till today he has never said that he wanted terms of reference generally about the economic offenders being inquired into, investigated into by

the Commission, and that the same was not incorporated. At no point of time he said that.

AN HON. MEMBER: He has said.

SHRI P. SHIV SHANKER: Today, he said, of course. Today he has said many a thing. I am not denying. I am saying that did he say that he proposed a term of reference. Please watch my words. Did he say that he proposed a term of reference generally about the economic offenders and it was not included? At no point of time did he say this. He, of course, has been going about saying that the central issue is the economic offenders, because it suits him. Now the stage has been provided to him. Therefore, he will say that. And then I would like to ask. (Interruptions) He has by trying to rely on this has been saying (Interruptions)

श्री चतुरानन मिश्र : इकोनॉमिक  
ऑफेंडर्स पर इन्क्वायरी कराइये।

श्री पी० शिवशंकर : मैं इतना ही  
निवेदन करना चाहता हूँ मुझे यह अंदाजा  
नहीं है

श्री चतुरानन मिश्र : ज्यों ही अपने  
कमेटी बैठायी वह आपको प्रस्तुत हटा  
देगे।

श्री पी० शिवशंकर : आप बुरा नहीं  
मानिये। मैं ऐसी बात नहीं कह रहा हूँ।  
मैंने इस हाउस में कहा था

If I can resign seventeen and a half  
years of Judgeship, which is a secured  
life and this is always a temporary  
life; even a peon gets a notice, we  
do not get a notice — how can I  
worry about it. I have never worried  
about myself about being a Minister  
or not.

**SHRI CHATURANAN MISHRA:** If that class is attacked, then many heads in the Cabinet will roll.

**SHRI P. SHIV SHANKER:** I am one with you that there should be a proper inquiry with reference to the capital that is flying away from the country, but to say that the commission is the panacea, I am not prepared to accept. One will have to go into it. Of course, as a Member of the Cabinet, if you can give me some proper way for the purpose of getting at them, I am prepared to espouse that cause. I would like to tell you.. (Interruptions)

श्री चतुरानन मिश्र : अफ गवर्नमेन्ट से कहिये .

श्री पी शिवशंकर : आप सुन लीजिए । मैं आपसे बड़ा फर्मल से बात करने को तैयार हूँ । आपके बोलते वक़्त और दिव्दनाथ जी के बोलते वक़्त मैं एक लयज भी नहीं बोलता ।

Therefore, you should allow me to speak. What I am trying to say is whatever credit my erstwhile colleague has tried to take — of course it has nothing to do with the Fairfax — by taking the names of eight to ten industrialists, Orkay, etc., and saying that he has taken action—till yesterday he had been saying and he is on record also, that it is the Prime Minister's policy which he has implemented. He does not want to give any credit to me as his colleague. After all, the Cabinet is collectively responsible. I would like to tell you if something has been said about the Finance Ministry's working in this Fairfax Report, I hang my head in shame because I am also collectively responsible as a Cabinet Minister. But then the situation is such where nobody knew, not even the Prime Minister knew, what was happening; so much so not even the Finance Minister himself knew what was happening.

**SHRI KALPNATH RAI:** No, he knew it.

**SHRI P. SHIV SHANKER:** That was the state of affairs. It is in this background that the whole Ministry was working. I would like to tell you — I would not refer to the question of papers—that the corrective actions on the economic offenders is a matter where no Government of whatever nature — even if tomorrow Vajpayee Ji or Advani Ji come to occupy on this side here, they cannot spare them because of the compulsions of the nation itself. We have got to take action. How can you be anti-national by being in the Government itself? But the misfortune about this particular case which also has to be highlighted and which I would very much respectfully submit has to be gauged in the proper perspective is: Is it fair for any Minister to side with a set of people whose leanings are against a particular industry and act at their instance against one industry or two industries or three industries or whatever it is? To us every man who is an economic offender, is an offender. There is no question of siding with one against the other so as to see that we don't become vindictive. That is why we take the oath that we will discharge our functions without fear or favour. It is a matter, I leave it him as to how he acted in all these matters.

**SHRI NIRMAL CHATTERJEE** Do you remember Mundra's case?

**SHRI P. SHIV SHANKER:** I was not born in politics when Mundra's case came up.

The hon Member relied on what Mr. Vinod Pandey had written to the Commission by saying that before the Commission the Secretary has gone on record to say that he could decide the matter of entrustment of an issue to a foreign agency and it was not necessary for the Minister or the Cabinet

[Shri P. Shiv Shanker]

to go into it. I would only like to submit that what else you would expect from Mr. Vinod Pandey except this answer before the Commission. Would he say that this should have gone to the Cabinet because he was an expert to advise Mr V. P. Singh? He was trying to make a capital out of this.

SHRI PARVATHANENI UPENDRA: The Finance Secretary gave that advice.

SHRI P. SHIV SHANKER: No, no, Mr. Vinod Pandey gave. That is precisely what my colleague will read if necessary. But I would like to tell you one thing on my part.

SHRI PARVATHANENI UPENDRA: Can I interrupt you for a minute? Mr. Venkitaraman had stated "Whether the Prime Minister had to be consulted was for Finance Minister to decide. There was no need to consult the Finance Secretary. It does not appear necessary to consult Cabinet or C.C.P.A."

SHRI P. SHIV SHANKER: This is not with reference to the entrustment of the matter of agency that he was trying to say. I would like to say one thing and whatever it may be, speaking for myself, I would certainly praise these two officers for what they had been doing but certainly they deserve all condemnation for the manner in which they have acted in this particular case; otherwise when they were trying to catch these big sharks they were really doing great service. But they were acting in a fishy manner getting themselves involved with persons who have nothing to do with the Government be it Mr. Gurumurthy or Mr. Nusli Wadia. It gives a clear impression that they were trying to wreak vengeance against another big business shark. That is not the concern of the officers. For what they

have done in respect of other cases which have been cited by Mr. V. P. Singh, I congratulate these two officers. I would not like to mince matters to that extent. But then the whole question is in this case the Commission has gone to the extent of saying and it is on record, we know, that ex-CIA agents were employed. That man in the foreign country takes a threatening posture without supplying any information. I would like to tell the hon. Member who initiated the debate when he read about the Courier. What Du Pont had to pass on the information to the Government of India has been passed on through him. One copy was given to the Government and one copy was through him. Except that, what is the information that has been given by that party and it is precisely for this reason that the Commission has said, "he has acted only as a courier." What is wrong in that? It is perfectly correct. In fact, I concede that the Commission in spite of doing its best has not been able to get at the root of the matter because it was impossible. As I said, the Commission was stonewalled by the circumstances and I am sure, the Finance Ministry or the Government will have to take some further action to find out what was the truth. After this stupendous responsibility that was borne by the Commission, the Commission which was in the oddest circumstances, as I said was bearing all the trials by the press and the Opposition and in spite of that, they have tried to do what best they could and for this I once again am congratulating the Commission. I am sure, the hon. Members from both the sides would praise the manner in which this Commission has worked. Thank you.

THE DEPUTY CHAIRMAN: Dinner has been arranged for the hon. Members. After 8.30 P.M., one by one, hon. Members can go and have dinner and we can conclude this debate.

SHRI DIPEN GHOSH: Madam Deputy Chairman, my colleague, Mr. Upendra, has to catch the flight which takes off at ten minutes past eight of the clock. In order to enable him to take the flight, I give the floor to him and then I will speak.

THE DEPUTY CHAIRMAN: Shri Parvathaneni Upendra

SHRI PARVATHANENI UPENDRA: Thank you Madam Deputy Chairman. Madam, we are discussing an extraordinary report of an extraordinary Commission. I call the Commission extraordinary because at a time when there are more than 1½ lakh cases pending in the Supreme Court, two sitting judges were appointed as the Commission. They laboured for eight months to prepare a report on matters which are already known to the Government and which were on the file and any Deputy Secretary of the Government of India could have prepared a report like this after going through the files.

[The Vice-Chairman (Shri H. Hanumanthappa) in the Chair]

Secondly, it was an extraordinary Commission because it was a probe against a probe. The Commission was probing into the modalities of another probe. Thirdly, all accepted norms set for such Commissions have been bypassed, perhaps for the first time. When I call the report an extraordinary report, it is because you always expect or wait eagerly for the report of a Commission. But, in this case, the report was already anticipated. Therefore, it is an extraordinary report and also it confirms the doubts and apprehensions of the people when the Commission was appointed that it was expected to serve two purposes. Both were political. That is to bail out the Prime Minister from an embarrassing situation at that time and to smear the reputation of Mr. V. P. Singh. The report was truly to the expectations.

SHRI B. K. GADHVI: And for this purpose, Mr. V. P. Singh wanted the Commission to be appointed. Is it not?

SHRI PARVATHANENI UPENDRA: Whatever it is.

SHRI M. L. FOTEDAR: On a point of information. There is nothing against you. Because you have raised a point.

SHRI PARVATHANENI UPENDRA: You have to give me special plane then.

SHRI M. L. FOTEDAR: You have said that the Commission was to bail out somebody. The terms of reference regarding the appointment of Thakkar-Natarajan commission were drafted by Shri Vishwanath Pratap Singh himself. The Prime Minister should have dismissed Shri Vishwanath Pratap Singh immediately after the appointment of the Commission. (Interruptions)

SHRI PARVATHANENI UPENDRA: It was a small mercy. He waited for some time. The Commission has laboured so much on the procedural matters that the main issue was sidetracked. The Commission which bothered so much about the procedural matters in the Government of India, did not even cursorily touch the main point, that is the stashing away of funds illegally in foreign banks. There is not even a reference. And the Commission was so eager to find fault with and it never tried to give any benefit of doubt to any of the persons involved. The Commission very strangely devoted four chapters of its report to the moralities of a commission of enquiry, how Judges should be protected etc. etc. Not satisfied with that, it added a post script also. I do not know what prompted them to do so. Another peculiarity of this report is, the Government's alacrity itself in placing it on the Table of the House and allowing discussion on it, when reports are lying with the

[Shri Parvathaneni Upendra]

Government for months and years together without any action, without even being placed before Parliament. The last peculiarity of this report is, in spite of the labour of the two eminent Judges, the report does not indicate any action. You cannot take any action. There is no follow-up action on this because there is no charge of violation of the Official Secrets Act. Nobody has been accused of any crime under the Cr.P.C. Therefore, there is no follow-up on this.

The very functioning of the Commission itself requires some mention here. Originally, the Commission was given three months' time. For nearly two months, until the 4th June, the Commission had not even set up the office, not even started functioning from its office. The Commission has accused others, Mr. V. P. Singh and the officials, of adopting a cloak-and-dagger method. But the Commission itself has adopted the same process. When there was a demand for an open enquiry, it refused it. The entire thing was done in a hush-hush manner. And the questions put—I happened to see some of the questions sent to Mr. V. P. Singh—were tendentious and they indicated that the Commission had already made up its mind and in support of it, it elicited some answers from the persons concerned. Mr. V. P. Singh has rightly pointed out the violation of the fundamental, basic, principles, the principles of natural justice. The man whose reputation is going to be smeared, was not given a hearing. If they are today accused of bias, the Judges themselves are to be blamed and none else.

When we come to the findings they find fault with the engagement of Fairfax which the Government itself had justified in Parliament. They should have indicted the Prime Minister and the then Minister for Finance also for justifying it and keeping the same Fairfax enquiry going on for

several months even after it was known. They made so much fuss about the oral orders which I do not want to go into. Whatever little I know about the Government's functioning, there are so many issues on which there are oral orders. Oral orders are given particularly... (*Interruptions*) when they have to be off the record. The Prime Minister must have himself given so many oral orders to the Ministers. Today, I only pity. (*Interruptions*)

SHRI M. L. FOTEDAR: Only the Ex-Finance Minister issued that oral order.

SHRI PARVATHANENI UPENDRA: You are also a Minister and you are also functioning under certain rules and regulations and constraints. If the Prime Minister gives you oral orders tomorrow, will you not follow them?...

SHRI M. L. FOTEDAR: Prime Minister never gives oral orders.

SHRI PARVATHANENI UPENDRA: Happy to hear it.

It is not only one agency, not only revenue intelligence, there are many other agencies of the Government of India which are observing this kind of confidentiality and there is nothing wrong in it. I am amazed to find the Commission devoting pages and pages about the recordings that Mr. Vishwanath Pratap Singh has done after he ceased to be Finance Minister and when he was Defence Minister. What was the crime? When he knew that the officers were being questioned and they were likely to be made the scapegoats or punished or commented upon adversely, it was the duty of any honest and sincere Minister to protect his officers. And he has not backdated any remark. He has put the date on which the file was sent and the file was sent after informing Mr. Brahm Dutt about it. It was not backdated. And if he has confirmed his orders

in writing, you should appreciate his sincerity...

SHRI M. L. FOTEDAR: It was not backdated; it was postdated.

SHRI PARVATHANENI UPENDRA: How? On the day he received it, he remarked on it...

SHRI K. VASUDEVA PANICKER: Does it not amount to smuggling? The file was sent from one Ministry to another Ministry. Is it not violation of the rules of conduct and does it not come within the definition of smuggling?

THE DEPUTY CHAIRMAN: Please sit down, Mr. Panicker.

SHRI PARVATHANENI UPENDRA: Mr. Vishwanath Pratap Singh has already quoted what Mr. Pande has said, in what circumstances the file was asked for and how he sent it after informing the then Minister of State for Finance; he did not send it surreptitiously; he sent it openly. And we should appreciate Mr Vishwanath Pratap Singh for his courage of conviction, his anxiety to protect the officers to whom he had given oral orders. It was his duty and if he had not done it, I would have called him names, I would have found fault with him...

SHRI M. L. FOTEDAR: I thing, if I remember it correctly, it is not the Minister of State of Finance who had sent the file to the then Defence Minister, but it must have been he Revenue Secretary after Mr. Vishwanath Pratap Singh had called for the file.

SHRI PARVATHANENI UPENDRA: On pages 278 and 279, the Commission, while admitting that no payments were made to Fairfax from any quarter, laboured to justify... (Interruptions) to prove why without payment that fellow should have worked. Except an inference, there was not even a shred of evidence anywhere to prove that any payment was made. May be, somebody might have made a payment, or, somebody might not have made a payment. But there

was no evidence whatsoever. The Commission could have given a justification to it.

We are particularly surprised at the amount of space given in the report for a justification of the theory of destabilisation and they come to the peculiar conclusion and they say, destabilisation of a leader is, in fact, destabilisation of the country and the nation. And for that they give so many arguments and I do not know what names we should call them by, what adjectives we should use for such remarks. Not only that. They laboured so much to justify that kind of a remark. At one place they say, it would make the leader vulnerable, it makes the leader subject to blackmail. I would like to ask: Is there something wrong which will make your leader vulnerable and to be blackmailed by a man outside the country far away? Otherwise, why are you so much afraid? If you are clean, if there is nothing wrong in what you have done, why should you become vulnerable and be blackmailed by somebody? Nobody can blackmail you if you are clean. That itself shows that there is a guilty conscience and there is something wrong... (Interruptions) .. Sir, I am really surprised at the behaviour of the Prime Minister in the entire episode. It is very unfortunate that a Prime Minister, who should protect his Ministers when adverse conditions come and when they are criticised, should behave like this. This has happened more than once. We know what happened in the case of Mr. Arif Mohammad Khan when he was asked to speak on the Muslim Women's Bill. He was asked to oppose the system and then he was dropped like a hot potato. That is his character and it is unfortunate. The Ministers should learn a lesson from this because, today it may be Mr. Vishwanath Pratap Singh and, tomorrow it may be somebody else... (Interruptionse) ..

SHRI M. L. FOTEDAR: You need not teach us any lesson. *(Interruptions)* Don't teach us any lesson

SHRI PARVATHANENI UPENDRA: If the Prime Minister cannot protect his own Ministers and swallows his own words to protect himself and to save himself and makes others the scapegoats, he is not fit to be the Prime Minister of this country. *(Interruptions)* Having said this... *(Interruptions)*... Having said this, Sir, I would like to make one comment about the behaviour of some of the officers. I am really surprised that in spite of his general orders, in spite of the general orders given by Mr. Vishwanath Pratap Singh, some of the officers have concentrated on certain firms and not initiated action against some others. That has given some scope for the Commission to comment adversely on their behaviour and their involvement with the others and the pressures brought on them.

SHRI B. K. GADHVI: Just a minute. With regard to the clarification which Mr. Fotedar made, as you would see from page 155, it was Mr. Pande who sent the file. It was the Revenue Secretary, Mr. Pande, who had sent the file to the Defence Minister and then he apprised the Minister of State, Mr. Brahm Dutt because he asked for the file and said that the Defence Minister had spoken to him. This is the version of Mr. Pande.

SHRI M. L. FOTEDAR: Yes.

SHRI PARVATHANENI UPENDRA: Anyhow, I was commencing on the role of outsiders and I sincerely feel that it could have been avoided. But there is also the other side to this because an estranged wife, a political rival and a business competitor are perhaps the best informers and this is the general opinion

and the Intelligence Bureau works on this theory. Therefore, they may justify this. But this could have been avoided. But I must say that the lobbies for the various industrial houses are within the Government itself. *(Interruptions)* While the highest in the land favours one industrial house... *(Interruptions)*...

SHRI M. L. FOTEDAR: That may be in Andhra Pradesh.

SHRI PARVATHANENI UPENDRA: I can give you an example, Mr. Fotedar. I can give you names... *(Interruptions)*... While one company has access directly to the Prime Minister, a rival has access to a Minister. *(Interruptions)*... Therefore, this is happening. In the Government itself, both the lobbies are there... *(Interruptions)*...

SHRI PAWAN KUMAR BANSAL (Punjab): This is a baseless allegation. *(Interruptions)*... Can he substantiate it?

SHRI PARVATHANENI UPENDRA: We know it. We know where Mr. Nusli Wadia was two days ago and where Mr. Ambhani comes and sits. We all know it. But our party, from the very beginning, has not taken sides and we have not taken sides in any of these rivalries of the industrial houses. We feel that action should be taken against everybody, whether it is Mr. Nusli Wadia or Mr. Ambhani. But it is for the Government to take action... *(Interruptions)*...

I am coming to my point now. I would like to know whether any preliminary report was given by Mr. Hershman because we repeatedly read in the newspapers that he had already submitted a report, that some information he had passed on and that he had a copy with him and we read in the papers that he continued to threaten, "I will reveal it. I will reveal it." Therefore, I would like to know from

the honourable Minister whether he has found anything on the files, some kind of a preliminary report, from Mr. Hershman or any other information which he has supplied. I would like to know this thing. Also on February 5, Mr. Bhure Lal was called by the Prime Minister and there was a lot of discussion and it was minuted, we were told. And what exactly was the information which Mr. Bhure Lal gave? I would like to know this from the hon. Minister.

Sir, I only want to say that the way the Commission has functioned—I do not want to cast any aspersions on the Judges themselves, but the way it functioned—shatters the confidence of the people in the Commissions themselves. And today we are criticising the Judges because we know that according to article 121 and article 211 of the Constitution Judges forming Commissions are not protected; they are subject to criticism because you can criticise the Commission's report. We are also criticising their functioning; there is nothing wrong in it. They are Commissioners; they are not protected. I would only say that on page 77 of their report—I will conclude with that—they quoted the famous Tamil poet Thiruvalluvar who wrote more than 2000 years ago in his immortal work "Thirukkural", that the burns caused by dreadful fire, even their scars, may heal but the wounds caused by slanderous words would never heal. They should have remembered that while passing remarks on responsible people that the wounds and scars will not be healed for long.

Lastly, I would request the Government whatever happens with this Commission's report, tackle the main issue of the stashing away of hundreds of thousands of crores of rupees of public money illegally in foreign

banks. Please come to the point. Please tackle that, without taking shelter behind this worthless report.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Mr. Bansal. (Interruptions).

श्री वीरेन्द्र वर्मा : वाइस चेयरमन साहब, कल के लिए आप स्थगित कर दें ?

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा) : चेयर ने एनाउंस किया है और श्री खाने का इंतजाम हुआ है, डिस्कशन आप कक्कड़ होने दें। ... (व्यवधान)

SHRI DIPEN GHOSH: You are mentioning कि खाता का इंतजाम किया गया है, तो बात यह है कि खाने के लिए तो सबको ... (व्यवधान) बठना नहीं है। दूसरा काम भी है। ... (व्यवधान)

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा) : जो इनकन्वीनेन्स सदस्यों की होती है ... (व्यवधान)

SHRI DIPEN GHOSH: No, no. खाने के लिए हम लोगों को बैठना पड़ेगा, ऐसा कहीं नहीं है और खाने के लिए घर में जाना पड़ेगा यह भी नहीं है। दूसरे काम भी हैं। ... (व्यवधान)

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा) : डिस्कशन के लिए बैठना है। ... (व्यवधान)

श्री वीरेन्द्र वर्मा : कल चार बजे से आठ बजे तक निपटा दें।

SHRI M. L. FOTEDAR: The matter is very serious, because somebody has been indicted by the highest court of the land. So we must conclude the debate today (Interruptions)



SHRI JASWANT SINGH: I want to make one submission, with your permission. My hon. colleague and friend, Mr. Bansal, will benefit if he initiates the discussion tomorrow. (*Interruptions*).

AN HON. MEMBER: It is an advice. (*Interruptions*) It is a request to you, Mr. Vice-Chairman, that you withhold the discussion, postpone the discussion. (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): The hon. Chairman earlier announced that this discussion will conclude today. Then the Deputy Chairman also announced again that the discussion will conclude. The dinner is ready upstairs. The speakers are also ready. Kindly see that it concludes today. The speakers are also ready. Kindly cooperate and see that this is concluded today.

SHRI NIRMAL CHATTERJEE: In the Business Advisory Committee, when we drew up the programme, there were four hours given to the Sati Bill and 4 hours to direct taxes laws. If these two Bills don't come, we have plenty of time till Wednesday.

SHRI M. M. JACOB: It is all coming.

SHRI NIRMAL CHATTERJEE: Direct taxes cannot come. There is enough time. Therefore, our request can be acceded to.

SHRI M. M. JACOB: Everything is coming.

SHRI VIRENDRA VERMA: Tomorrow at 4 o'clock.

SHRI PAWAN KUMAR BANSAL: Sir, the Thakkar-Natarajan Commission of Inquiry comprising two sitting Judges of the Supreme Court was

set up when it came to light that Fairfax Group Inc, an American detective agency with CIA connections, was entrusted with investigation of some economic offences and Members of both Houses of Parliament took strong exception to what they termed as 'abdication of Governmental functions to an organisation of dubious connection'. Sir, if we were to just glance through the debates of the two Houses of Parliament, one feature would prominently emerge and that is that Members were indignant over the action of the Government in appointing Fairfax.

Sir, before this matter cropped up, the Opposition, bereft of any ideological issue, was desperately trying to raise one bogey or the other to embarrass the Government, but in vain. In that situation, Fairfax provided them an overdose of a drug which enfeebled the mind and weakened the thinking power and they launched a vituperative attack against the Government. Sir, the Prime Minister, committed as he is to an open Government, submitted to the apex judicial institution of the country and two sitting Judges of the Supreme Court were entrusted with the task of inquiring into the entire gamut of understanding arrived at and the agreement entered into with the Fairfax Group.

Now, the report of the Commission is before us. It leaves no room for doubt on certain crucial matters. Firstly, the Fairfax Group has strong CIA links which is known for indulging in destabilising operations in several countries. Secondly, Fairfax was engaged orally without taking into confidence or even consulting the Cabinet or the Prime Minister and through the active intervention of interested outsiders like Shri Nusli Wadia, Chairman of Bombay Dyeing and Manufacturing Company, and Shri S. Gurumurthy, a close associate both of Mr. Wadia and Mr.

Ram Nath Goenka, the proprietor of "Indian Express" and also Financial Adviser to the Express Group of Newspapers. Thirdly, Sir, no inquiry whatsoever regarding the antecedents or credentials of Fairfax was ever made, not even from the Indian Ambassador in the United States and no importance was attached to the refusal of even a U.S. firm, CHEMTEX to make any information available through Fairfax and their willingness to deal only with the Directorate of Enforcement directly. In this context, Sir, Shri V. P. Singh preferred to quote Shri Brahm Dutt to say that the Government was only interested in the information and not the informer, and the information went through the scrutiny of Intelligence. If he were present here, I would like to ask him whether the information which would have been made available on some future date by Fairfax could be put to such a test which he was advocating here now. Sir, Fairfax cannot be equated with an Indian informer.

The Commission has also come to a valid conclusion that, if I may say so, a self-assuming person like Mr. Hershman, the Chairman of Fairfax, would not agree to work and incur expenses in the process only for some contingent payment to be made under the Reward Rules of the Government of India on some future date. The only reasonable presumption that one can draw is that there was some collateral agreement and the name and the authority of the Government of India were sought to be used in order to gain access to sources of information and thereafter to use the same to subserve some ulterior motive. In the process, the security of India, the security of our nation, the security of the land of our birth for whose dear sake our forefathers had died, was exposed to serious risks...

**SHRI NIRMAL CHATTERJEE:**  
Sir, we cannot complete it today.

**SHRI PAWAN KUMAR BANSAL:**  
Sir, the Commission's Report vindicates the Government headed by Shri Rajiv Gandhi and takes note of the fact that it was the alertness of the Minister of State for Finance whose queries dated 17th February, 1987 initiated a process that ultimately uncovered the surreptitious dealings before any damage could be caused. Sir, the Report diffuses the clouds of baseless suspicion raised by the Opposition over the Government of India. Yet, Sir, the Report saddens me like any other citizen of the country because it brings to light certain sordid happenings that could play havoc with our country if the conduct of Mr. Hershman, his outbursts and his rambling threats are any indication.

Sir, what saddens me still more is the reaction of Mr. V. P. Singh to the Commission's Report. On 31st March, 1987, when one hon. Member put it to him in the Lok Sabha that if Shri V. P. Singh had engaged this foreign firm without the notice of the Prime Minister was Shri V. P. Singh prepared to take the responsibility for the same, Shri V. P. Singh got up immediately and said that he did share the responsibility. Today, when the Report is out, he takes strong exception to it and casts aspersions on the integrity and impartiality of two sitting Judges of the Supreme Court. He issues a lengthy press statement defending the roles of Shri Vinod Pande and Shri Bhure Lal and castigates the Judges for their Report. By implication, he defends the role played in this foul game by Shri Goenka, Mr. Nusli Wadia, Mr. Gurumurthy, and above all that of Mr. Hershman of Fairfax. (Interruptions). In this environment, does he still want the countrymen to believe that he is the sole repository of virtue fighting against corruption? On the contrary, Sir, if somebody said the other day that the Jan Morcha was in fact a Jaichand Morcha,

[Shri Pawan Kumar Bansal]

the present Report proves him right. Even today...

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradesh): Not in good taste.

SHRI PAWAN KUMAR BANSAL: ...Shri V. P. Singh justifies the engagement of Fairfax and I lay emphasis on this—he justifies the engagement of Fairfax—by giving an untenable and unsubstantiated analogy of the training imparted to our own men conveniently forgetting or being criminally ignorant of the vulnerability in the former case where you cut off your own hands and place yourself at the mercy of a foreign agency which has been held to be in league with people hostile to the Government of India. It has been found that Shri Herschman was a person unworthy of reliance and here, Sir, permit me to quote from page 250 of the Report, and I quote:

"In any case he was not loyal to the Government of India and a person thoroughly unreliable for being entrusted with the work of a sensitive or confidential nature and for being conferred with any authority to act on behalf of the Government of India, for such a person can use the authorisation for purposes other than that for which his services were utilised and could resort to disinformation in order to cause detriment and harm to its own employer in going to the length of threatening destabilisation of the Government from which it had secured the authorisation under a false pretext."

Sir, if we have a cursory look at the text of the Commission's report, the Postscript at page 289 thereof is in every sense of the word a part of the Report itself, and that of Chapter XVI, where the Commission's findings on the specific issues raised in paragraph 2 of the Notification settling up the Commission are enumerated. The Postscript is no after-

thought, but definitely an emphasis on the disturbing and unsettling features brought under spotlight as a result of the inquiry conducted by the Commission. It is after this Postscript that the Hon. Judges append their signatures. However, Shri V. P. Singh takes exception to this and criticises these judges for 'inserting' a written Postscript against him and grumbles further that that very Commission which wrote Postscripts asked him how he made a noting in the file subsequently. When he says this he perhaps wants us to forget that this noting was made by him on a file which no longer concerned his Ministry and was also in violation of the Government of India (Transactions of Business) Rules.

Sir, it is interesting but no coincidence that on the heels of Shri V. P. Singh's criticism of the Commission's report, comes the reaction of Fairfax itself. Its Vice-President blatantly terms the report as 'an effort to manipulate public opinion so that wrongdoings and truth will for ever be buried'. I am sorry that this is the language which our friends on the other side have also used.

Sir, the "Indian Express" which under Shri Goenka has some queer notions of self-importance and of being the sole champion of the freedom of the press has brazenly and unabashedly termed the Commission's report as a massive perversion. For every grouse against the executive we turn to the judiciary but here Shri Goenka accuses the Judiciary of 'felling all norms of justice and fair-play and the truth itself'. We see Shri Goenka incensed over the exposure of Shri Gurumurthy and his response to the report is understandable as is his conduct in not responding to the Commission's notice. This gentleman, the most honourable of the men, a towering figure fighting for the protection of democratic institutions, now chooses to tailor an editorial which accuses the Commission of blatant distortion of facts and spews venom against the Commission

in an effort to dole out falsehood to the public. In the process, he converts this newspaper into propaganda sheet for Fairfax and others hostile to the Government of India. He insists that the work of Fairfax was to give, not to receive, information, the threats and ratlings of Hershman again to the contrary notwithstanding. I ask if it is not its own battle, whose battle is the Express fighting? Is the Express fighting the battle of the people wanting to destabilise the country? Sir, Mr. V. P. Singh has said that even a child would laugh at a situation because no money was paid to Fairfax, no information was received and still the judges say that security of the country was jeopardised. It is precisely here that where the catch is. The question that looms large before the people is, why did Fairfax agree to work for the country without agreeing to or looking for any remuneration? Why doesn't Mr. V. P. Singh say a word about Fairfax, about Hershman's strong links with the CIA, about Fairfax's strong links with the CIA? This point was not touched by Shri V. P. Singh. Is Shri V. P. Singh not aware of the CIA's activities all over the world? Does he want people to believe that CIA is the greatest friend of our Country? If some one tried to befriend CIA for ulterior motive, he owes an explanation to the Countrymen. Sir, newspapers other than the Express have also written editorials on the Report and I wish Shri V. P. Singh had seen those. They all consider him to be one of the principal actors in the Fairfax drama and take note of the role played by Shri Goenka, Mr. Gurumurthy and Mr. Nushi Wadia.

श्री राम अवधेश सिंह : वी.पी. सिंह के कहने के बाद कुछ बाकी है कहने को ?

श्री पवन कुमार बांसल : हाँ, आप यहाँ पर पहले आए होते सुनने को...  
(व्यवधान)

Sir, Mr V. P. Singh has not said a word about the influence of outside

forces in running the Ministry at that particular point of time. People also today pose a question about the connection between Fairfax affair and the involvement of Express in certain letters of the former President to the Prime Minister of the country. These are the questions which stare at us and have to be answered by those people including Shri Goenka who claim to serve the interest of the country by every action.

Speaking here, Shri Vishwanath Pratap Singhji said that it was during his stewardship of the Ministry of Finance that a company of Nushi Wadia was raided. But he forgot, or did not probably choose to tell us as to what was the time when this raid was conducted, whether it was before the Fairfax plot was executed or after that, because if it was conducted before these happenings, it adds greater suspicion to the minds of the people. Sir, because of constraint of time, I would...

8.00 P.M.

Sir, because of constraint of time, I would....

DR BAPU KALDATE: You can carry on till tomorrow morning. Why are you worried?

SHRI PAWAN KUMAR BANSAL: Sir, there are many pertinent questions which the Commission has posed and has cautioned the nation about the dangers that may arise if intercorporate wars assume political ramifications. We have been spared of the consequences of one such serious attempt. The Government should take a cue from the observations of Justices Thakkar and Natarajan and initiate steps to prevent similar occurrences in future. The Government should also remove the lacunae in the existing laws which enable Shri Goenka, Shri Gurumurthy and others of their ilk and with similar propensities to assume themselves above the law and violate it with impunity. The

concluding postscript which I venture to add is that the enquiry into the Fairfax affair has proved the truth of an old adage 'All that glitters is not gold'. Thank you.

**SHRI DIPEN GHOSH:** Mr. Vice-Chairman, Sir, at the outset, I put on record my protest against the manner in which, without consulting the leaders of the Opposition parties and groups, it has been unilaterally decided to continue the debate beyond 6 p.m., the normal time of adjournment of the House. I put it on record more so because the other day we were confronted with a situation when the House was adjourned before the scheduled time of adjournment without consulting the leaders of Opposition parties. Today, on the other hand, we are confronted with a different situation when a unilateral decision has been taken by the ruling party to extend the sitting of the House beyond the normal time of adjournment without consulting the Opposition parties. Therefore, I put on record our protest against this unilateral decision. Now, Mr. Vice-Chairman, Sir... should I stop? Let that session be over.

**THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA):** You carry on.

**SHRI DIPEN GHOSH:** It cannot be. (*Interruptions*). Three Ministers are having a session there. Let them complete their session.

**THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA):** Session will be there in one corner or the other. You carry on.

**SHRI DIPEN GHOSH:** It cannot be. (*Interruptions*) Sir, I start from where Mr. Shiv Shankar has ended

श्री कल्पनाय राय : कल कहिये।

श्री दीपेन घोष : बोलिये अपने नेता को। मुझे क्यों कहते हैं। जो आपके नेता फोतेदार हैं, एडवाइजर है उनको कहिये।

**SHRI M. L. FOTEDAR:** Mr. Gadhai is the Minister in-charge.

**SHRI DIPEN GHOSH:** Kalpnathji said 'kal kahye', Therefore, I am asking Kalpnathji to ask his advisor Fotedar. He is doing all the business.

**SHRI M. L. FOTEDAR:** I am not... ✓

**SHRI DIPEN GHOSH:** Are you paying heed to Mr. Kalpnath Rai's suggestion?

**THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA):** You take it as an interruption and go on.

**SHRI DIPEN GHOSH:** Mr. Vice-Chairman, Sir, you might recall that it was Shri Shiv Shanker who said that this Commission of Inquiry, the Thakkar-Natarajan Commission, was, in fact, a fact-finding Commission. Are you suggesting for an adjournment?

**THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA):** No, no. ✓

**SHRI DIPEN GHOSH:** Mr. Shiv Shanker stated that this Commission of Inquiry was a fact-finding Commission. (*Interruptions*). I will speak up to 12 O'clock because no time has been fixed for this debate. So, what fact or facts this fact-finding Commission has brought to light, that Mr. P. Shiv Shanker has not stated. No other speaker also from that side was stated about this.

This report, Mr. Vice-Chairman, has brought to light the total collapse of all governmental norms and procedures and bankruptcy of the administration where a big business house can remote-control the officers in the Government of India to act in their terms and to fall prey to foreign agencies.

**DR. BAPU KALDATE:** Is there the message to adjourn the House?

**THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA):** Where is the message?

**SHRI DIPEN GHOSH:** Mr. Vice-Chairman, Sir, much has been talked particularly from that side about the CIA, link of Fairfax with CIA, the security risk, the destabilisation of our

country. All these things have been talked about by the Members from the ruling party, including Mr. P. Shiv Shanker, a member of the Union Cabinet. The other day we heard in this House, when there was a question from this side about the veracity of Prime Minister's statement of giving a clean chit to CIA. After hearing George Bush in Washington, the Prime Minister himself had gone on record, saying that George Bush had stated that the CIA had no activities in India, and the Prime Minister stated in his words, I had taken George Bush on his words.

**SHRI V. NARAYANASAMY:** He stands by it.

✓ **SHRI DIPEN GHOSH:** It is fine that you stand by it that CIA is not in action in India.

**SHRI V. NARAYANASAMY:** Whatever the Prime Minister has said, we stand by it.

**SHRI DIPEN GHOSH:** Just try to understand. The Prime Minister had stated that he had taken George Bush on his words.

**SHRI V. NARAYANASAMY:** Yes, he believed George Bush.

**SHRI DIPEN GHOSH:** Then you find occasion even to believe George Bush about the CIA development.

**SHRI K. VASUDEVA PANICKER:** You are misleading the House.

**SHRI DIPEN GHOSH:** I am not misleading the House.

**SHRI K. VASUDEVA PANICKER:** You are misleading the House. Prime Minister did not say like that.

**SHRI DIPEN GHOSH:** I am not misleading the House. Mr. Vice-Chairman, I want, first of all, to make one thing clear. There is a book. You can have it. It is available in India.

"Veil the Secret Wars of CIA 1981-87" is a book written by one Bob Woodward. This book is available in Delhi. In that book, Mr. Woodward had alleged that a senior official of the Indian Government was a CIA agent. And today in the report which we are discussing, two sitting Judges of Supreme Court heading that Commission have gone on record saying that a decision could be taken by an officer without the specific knowledge, detailed knowledge of the Finance Minister or the Prime Minister or the Cabinet about who was going to be appointed, what was his credential. Mr. Bansal has also stated about this Hershman and Fairfax. It is we who demanded—it is true—whether before appointing Fairfax the credentials of that organisation was checked up or not. It is all the more true that from the other side, they said: "No, we have not appointed, they were simply asked to act as informers and they are to be paid when some information will be made available to us". That is a different point, Mr. Vice-Chairman. But I want to say, because Mr. Shiv Shanker had stated that it was a fact-finding Commission and this Commission had found out certain facts which were disquieting to the extent of collapse of administration, which says that such an important decision could be taken by certain officials without the knowledge of the Minister or the Prime Minister or the Cabinet and to the extent of appointing an organisation or agency which is an outfit of CIA. Here is a book written by Mr. Woodward saying that there was a government official in the Central Government, who was a CIA agent.

There was another book that is also available in Delhi written by ex-US Ambassador to India—Mr. Moynihan. In that book, Mr. Moynihan had alleged that twice CIA had paid money to the Congress—once to Mrs. Gandhi...

**SEVERAL HON. MEMBERS:** No, no.

SHRI DIPEN GHOSH: You just read that book. I am referring to a book which is available in the market (*Interruptions*) It is a book titled "The Dangerous Place" written by Mr. Moynihan, ex-US Ambassador to India. Mr. Vice-Chairman, please save me and protect me from some of the ignorant Members from the other side.

SHRI M. M. JACOB: Mr. Dipen Ghosh, the author himself has denied it subsequently and that has appeared in the papers.

SHRI DIPEN GHOSH: I have referred to a book. That is a published book. That book is available in India. That is still being sold in Indian markets.

SHRI LAL K. ADVANI (Madhya Pradesh): It is available in the Parliament Library.

SHRI DIPEN GHOSH: It is for the information of the learned Members from the other side. Tomorrow they can go to Parliament Library, ask for that book, read and come back to this House and challenge my version. Not before that.

SHRI M. M. JACOB: Mr. Vice-Chairman. (*Interruptions*)

SHRI DIPEN GHOSH: I am not yielding.

SHRI LAL K. ADVANI: They can certainly deny what Mr. Moynihan has written.

SHRI DIPEN GHOSH: They can say that. But till date they have not said it.

SHRI ALADI ARUNA alias V. ARUNACHALAM: To the best of my knowledge, the same issue was raised in the Lok Sabha earlier and it was denied. There is no need of raising the same issue now.

PROF. C. LAKSHMANNA (Andhra Pradesh): It does not matter. He is only citing a book.

SHRI DIPEN GHOSH: Mr. Vice-Chairman, what I am going to say is, the danger of the CIA engaging itself in destabilizing our country is real. Despite Mr. Bush's statement and our Prime Minister taking him at his word, it is real. Even if this Report did not state all these things about the CIA activities in our country, the fact that it is trying to destabilize our internal political system is real. But what is more disconcerting and more disquieting is—when the forces are very much active in destabilizing our country through various forces, somewhere divisive forces and somewhere fundamentalist forces—the revelation of the collapse of our Administration, the revelation of the bankruptcy of our Administration that such a foreign agency could be appointed without having any record on the file, without the knowledge of any member of the Cabinet. That is an important point.

But the ruling party members, are not at all alive to the danger. I want Mr. Bansal and Mr. Kalpnath Rai to note. Mr. Shiv Shanker is not here. They are not at all alive to this danger, because these officers are now being proposed to be sent to Harvard for training. Mr. Vice-Chairman, Sir, the Minister of Home Affairs, Mr. Buta Singh is not here; the Minister of State for Home Affairs, Mr. Chidambaram, is not here. (*Interruptions*). You will let me finish and then you will rise.

SHRI M. M. JACOB: But we were agreeable for a discussion on that.

SHRI DIPEN GHOSH: I know. But I did not interfere with that. I am saying what is happening. Many of them do not know that in the case of the public sector a new proposal has been mooted in the Government of India by Mr. Chidambaram, the Har-

vard returned Minister Sir, you know and, particularly, senior Members like Mr. Ram Niwas Mirdha and Mr. Dabbara Singh know, that in the early fifties, it was the *New York Times* which had stated that Harvard University was the outfit of the CIA. And now, a proposal has been mooted by Mr. Chidambaram that officials of the public sector will be sent to Harvard for training. And who will choose those officers? A batch of Professors from Harvard will come to New Delhi and they will select them. It is relevant in the context of this report. It is very relevant in the sense that the Report of the Thakkar-Natarajan Commission has revealed how the activities, with a security risk, are going on. So, I am telling you. Today somebody has been found. Tomorrow some others may be found—if you remain alive.

SHRI V. NARAYANASAMY: Do you agree with the findings of the Commission?

SHRI DIPEN GHOSH: You wait. (Interruptions) ..Your leader has taught you only to make noise to apply your brain.

SHRI V. NARAYANASAMY. I am putting a pointed question. Are you agreeing with the findings of the Commission? Don't think that you only know things. We also know things.

SHRI DIPEN GHOSH: The anatomy of human beings does not contain only the throat. There is another anatomy which is above the shoulder.

SHRI V. NARAYANASAMY: You are not using that.

SHRI DIPEN GHOSH: In some cases that part of the anatomy of some of you seems to be the dullest.

Mr Vice-Chairman, the question is that Harvard Professors will come down to Delhi to take interview and

select senior executives in the public sector for being sent for training to Harvard, the outfit of the CIA. Those officials will come back to India and preside over the public sector undertakings in the national interest. The officers, the IAS, the IPS, the IFS officers who will be sent to Harvard for training, will come back and sit in the North Block and the South Block and elsewhere and take important decisions in the national interest. Before that they will be brainwashed by the CIA outfit, the Harvard University. Mr. Vice-Chairman, now I am glad, I am happy that at least some of the Members on the other side have been alive to this issue, the appointment of a foreign agency. I am not going to argue like Mr V P. Singh whether in other cases a foreign agency was appointed or not. It is true, Mr. Vice-Chairman, that they do not want any foreign agency to investigate about economic offences, but they want a foreign company to give a certificate of honesty in respect of the Prime Minister and the members of his family. The foreign company's President and Vice-President had all the way come down to India and appeared before the Joint Parliamentary Committee to give a certificate of honesty to our Prime Minister and his family members.

SHRI M. L. FOTEDAR: I deny it emphatically.

SHRI DIPEN GHOSH: And our Prime Minister has gone on record

SHRI M. M. JACOB: Mr. Dipen Ghosh, he is on record that we do not want any certificate from anybody and that we are capable of looking after ourselves. (Interruptions)

SHRI DIPEN GHOSH: Mr. Vice Chairman, I am not going out of the point.

SHRI M. L. FOTEDAR. Totally you are out of the point,



SHRI DIPEN GHOSH: I am emphasising the danger.

SHRI M. L. FOTEDAR: Just on a point of information.

SHRI DIPEN GHOSH: I do not require any information from you, Mr Fotedar.

SHRI M. L. FOTEDAR: I am asking information from you.

Only those persons who went to the Swedish Embassy to represent their case, want a certificate from foreign agencies or foreign companies. It is not the Congress, it is not the Prime Minister, it is not the Indian Government.

SHRI DIPEN GHOSH: Again we will get a chance Just listen, Mr Fotedar

I want to tell him to remain assured and satisfied till the JPC's report is placed here and we are given a chance of discussing that because the JPC report will contain that certificate because it has gone on the record of the JPC.

Mr. Vice-Chairman, Sir, I was emphasising on the danger of employing a foreign agency having connections with the CIA or the FBI or such countries which are hostile to our country's political system, economic system, all these things.

Sir, who is responsible for creating this state of affairs?

SHRI M. L. FOTEDAR: It is Mr. Vishwanath Pratap Singh.

SHRI DIPEN GHOSH: All right. I know. Three speakers have already stated. This report has stated that this is the state of affairs. But I quote from one particular point.

SHRI KALPNATH RAI: You are a CPM fellow.

SHRI DIPEN GHOSH: I am not disowning this report. Here is a gem of gems.

"The reasoning appears to be less than convincing." Then it starts saying:

"And the Government may well consider the need for such vital decisions being made at least in consultation with the Prime Minister."

It means, if the Prime Minister was consulted, then the appointment of a foreign agency like Fairfax having connection with the CIA would not have gone wrong. But Mr. Vice-Chairman, Sir, what is the constitutional responsibility of the Prime Minister to Parliament? We are discussing the matter in Parliament. What is the Constitutional responsibility of the Council of Ministers to Parliament? The other day when Mr. V. P. Singh participated in the discussion about the counter-trade deal, it was the legal luminary, Mr. Madan Bhatia who enlightened us about the collective responsibility of the Council of Ministers for an Executive decision of the Government. The Constitution says that the Council of Ministers is collectively responsible to Parliament. The Prime Minister is the head of the Council of Ministers, the Cabinet and of the Government. Any action, whether it was done in consultation with the Prime Minister or not, that is an affair to be decided by the Prime Minister and in his relation with the Members of the Cabinet. And if a Member of a Cabinet or a member of the Council of Ministers had done wrong, then the President could be advised to drop him as a Member of the Cabinet or a Member of the Council of Ministers. But to Parliament, to Members of Parliament, to the nation, to the public, the Prime Minister as a leader, as the head of the Government, as the head of the

Cabinet, as the head of the Council of Ministers owes an explanation why and in what condition and in what manner and how this sorry state of affairs came about.

The Prime Minister as the leader cannot get away from the indictment made by this Commission. Whether consultations are done or not is their internal affair. If tomorrow Mr. Fotedar comes with a certain statement and thereafter Mr. Gadhvi or Miss Saroj Khaparde also comes out with a statement, how could we know whether she or he had consultations with the Prime Minister and thereafter are making statements? Until and unless another commission of inquiry was set up,...

SHRI B. K. GADHVI: Would you yield for a moment?

SHRI DIPEN GHOSH: Mr. Gadhvi, please be seated. You will have a right to reply. Until and unless another Commission of inquiry is set up and gives such a report, Members of Parliament or the people of the country will not be in a position to know. So, I think for this state of affairs about which this Commission has commented in the postscript, the Prime Minister as head of the Government, as head of the Cabinet, as head of the Council of Ministers is one hundred per cent responsible. He cannot get away from it. So, I accuse the Prime Minister for bringing about this state of affairs.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): This is not the first time you are accusing the Prime Minister.

SHRI DIPEN GHOSH: I know. Don't give me a chance because I am not going to accuse a fair lady like you.

I would have been happy if Mr. Shiv Shanker would have been here because he has gone on record saying that he was justifying the terms of reference and constitution of this Commission and not only that, he said that the Prime Minister and all the Cabinet members were persuaded by Mr. V. P. Singh to constitute this Commission of Inquiry so that Mr. V. P. Singh could be cleared.

SHRI M. L. FOTEDAR: That is a fact. Mr. V. P. Singh has not denied this.

SHRI DIPEN GHOSH: I am not Mr. V. P. Singh. I am Mr. Dipen Ghosh. A Cabinet Minister of Mr. P. Shiv Shanker's stature has stated that the Prime Minister and all Cabinet members were persuaded. A person like Mr. V. P. Singh who is now being indicted...

SHRI M. L. FOTEDAR: He has in fact been indicted.

SHRI DIPEN GHOSH: You could persuade your Prime Minister and members of your Cabinet to do a wrong job? And this is your credibility. Look, you are in your own trap. This is the credibility of your Prime Minister. It was your statement. It was not my statement. It was your Mr. P. Shiv Shanker's statement? "We were all persuaded, the Prime Minister was persuaded". You have no moral right to say and point out your accusing finger at Mr. V. P. Singh. If Mr. Shiv Shanker had stated, "we were all persuaded", that means you own responsibility, you share the responsibility. Why do you fight shy to share the responsibility?

From this report the Commission has gone on record saying that the Prime Minister had called for this file on the 11th March and by that time I can presume by virtue of his

[Shri Dipen Ghosh]

intelligence after going through that file he could know what was happening, what was being done, what was being cooked up? Until late May Fairfax was still on the roll of the Government of India when the Prime Minister, Mr Rajiv Gandhi was holding the charge of the Ministry of Finance. So in view of the statement made by this Commission that it was wrong on the part of the Government to appoint such an agency which ran the risk of destabilising our country, which ran the risk of endangering our security, was kept on the roll of the Government of India from 11th March, 1987 to end of May when Mr Rajiv Gandhi was the Finance Minister. So for that who will vouchsafe and who will give guarantee that during the tenure of these two months from 11th March to end of May when Fairfax was still kept on the roll of the Central Government when Mr Rajiv Gandhi was the Finance Minister important information, classified information and important documents were not passed on to that foreign agency? Who will give the guarantee?

AN HON'BLE MEMBER Mr. V. P. Singh

SHRI DIPEN GHOSH: Why? Mr. V. P. Singh was not there. You could have dismissed Fairfax on the night of 11th March as soon as you came to know through that file and you kept that file...

SHRI PAWAN KUMAR BANSAL: No authority was given to Fairfax thereafter to collect any information as it was done earlier.

SHRI DIPEN GHOSH: How can you say?

SHRI PAWAN KUMAR BANSAL: See the Report,

SHRI DIPEN GHOSH: So, Mr Vice-Chairman, Sir, I am going to the last point. What about the issues for which this Fairfax name was known to all of us? Even our learned Members on the other side including Mr B K Gadhai did not know the name of Fairfax earlier, until Fairfax was pressed into service to give information about the economic offences committed by certain Indian firms and individuals, for violating FERA and amassing wealth and siphoning off that wealth to some foreign banks. This as the crux of the problem and they have conceded that the Opposition demanded about Fairfax. They did not come out on their own with the facts about Fairfax. At least the Opposition should be given some compliments that such a dangerous agency or such a dangerous practice or activities going on in the Government of India could be unearthed because of the Opposition's demand about Fairfax which was were pressed into service for information about economic offences. What about those economic offences? I know, the Minister will say, in the terms of reference, the Commission was not asked to say about it but you cannot overlook the facts as a representative of the Government, as a Minister of the Government. I understand the limits of this Commission but you are not barred by that limitation, I mean the Government. Somebody was telling about Nusli Wadia. At that time, I said, it was a battle between the wife and mistress of the ruling party and they sometimes change the position also and I am not interested in either of them. But the fact is that big business houses are quarrelling with each other to get a greater share of the cake of the Government policy. There was a time when Government was only Reliance.

SHRI M. L. FOTEDAR: Perhaps you mean we are self-reliant,

**SHRI DIPEN GHOSH:** Yes and there was time when Reliance was shut out and Bombay Dyeing was given preference and about Bombay Dyeing, you know and I know, still one of the Members of the Council of Ministers has financial connections with it. When we are discussing this, the indicted Bombay Dyeing Chief was enjoying the hospitality of a member of your Council of Ministers so far away from Delhi. The fact is that big businesses are fighting with each other. This is the rule of the game in the capitalist society. The fact is that your Government — the Minister may be either 'A' today, or 'B' tomorrow or 'C' the day-after-tomorrow—is preferring a particular business house as against another. It is good that through this battle, some pieces of information have come out. Since Mr. Gadhi is here, possibly, he will be called upon to reply. The other day, Mr. Kulkarni, a Member of the ruling party, stated how Reliance was being given concession after concession as against others. This House had the benefit of discussing all those things earlier also. So, it is this Government which encourages or patronises a particular big business house against another big business house at a given point of time. So, if anybody has to be held responsible, it is the Government of India headed by Mr. Rajiv Gandhi. And if anybody should be indicted for enmeshing this country into this state of affairs, it is Mr. Rajiv Gandhi, the Prime Minister, who heads this Government now and who headed the Government at that time. That is why, while concluding, I say that the Government of Mr. Rajiv Gandhi has no moral authority or moral right to stay in power for even a single second after this indictment of the Government of India. Thank you.

**श्री कल्पनाथ राय :** आदरणीय उप-सभाध्यक्ष महोदय, नटराजन ठक्कर आयोग

ने अपनी इस फाइडिंग के माध्यम से पूरे देश की जनता और सभी राजनीतिक दलों को एक ही संदेश दिया है, "कहनी है एक बात हमें ये देश के पहरेदारों से, संभल के रहना देश के अंदर छिपे हुए गद्दारी से। नटराजन और ठक्कर आयोग पूरे भारत की कोट-फोटि जनता के लिए यही एक संदेश है।

**श्री राम प्रवक्षे सिंह :** चोरी को कैसे बचाया जाएगा, यह इसमें लिखा हुआ है।

**श्री कल्पनाथ राय उपसभाध्यक्ष महोदय,** 1194 में जयचंद ने मोहम्मद गोरी को हिन्दुस्तान पर हमला करने का मौका दिया और हिन्दुस्तान उसकी गद्दारी के कारण गुलाम बन गया। इसके बाद हिन्दुस्तान में अमी चंद की गद्दारी से ईस्ट इंडिया कंपनी ने 1757 में पनामी के मैदान में हिन्दुस्तानियों को हराया। उसके बाद 1757 से 1857 तक हिन्दुस्तान के राजे-रजशाहों, हिन्दुस्तान की जनता के दुश्मनों ने ईस्ट इंडिया कंपनी की मदद की और 1857 में डलहौजी के नेतृत्व में हिन्दुस्तान पर अंग्रेजी हुकूमत कायम हो गयी। उप-सभाध्यक्ष महोदय, सवाल क्या है? सवाल क्या है। राजीव गांधी की गवर्नमेंट में जयचंद के वंशज श्री विश्व नाथ प्रताप सिंह सी आई ए के इशारे पर राजीव गांधी के तख्त को पलटने की कोशिश की। उही एक सवाल है जिस पर सबको विचार करना चाहिए। और हिन्दुस्तान 1947 के बाद लगातार हिन्दुस्तान को साम्राज्यवादी ताकतों कमजोर करने की कोशिश करती रही है। जवाहर लाल नेहरू के दौर में भी हिन्दुस्तान को कमजोर करने की कोशिश की गयी। उसके बाद जवाहर लाल जी के मरने के बाद लाल बहादुर शास्त्री के जमाने में हिन्दुस्तान पर पाकिस्तान द्वारा हमला हुआ और उसके बाद इंदिरा जी के जमाने में जाति, संप्रदाय, उत्तर, दक्षिण आदि के झगड़े खड़े कर हिन्दुस्तान को डिस्टैबलाइज करने की कोशिश की गयी और हिन्दुस्तान को डिस्टैबलाइज करने वाली ताकतों ने इंदिरा गांधी का खून किया। इंदिरा गांधी ने खून जाना पसंद किया मगर उन्होंने खालिस्तान

[श्री कलानथ राय]

वनने नहीं दिया और हम हिन्दुस्तान के लोगों ने इंदिरा गांधी के बेटे को भारत का प्रधान मंत्री उमके बाद बनाया। खुद पार्लियामेंट के लोगो ने इकट्ठा होकर उनको प्रधान मंत्री बनाया इसलिए कि भारत की एकता और अखंडता सुरक्षित रहेगी उनके हाथों में। आप देखें कि इसने अपनी रिपोर्ट क्या दी है। सबसे बड़ा सवाल है हिन्दुस्तान में कि पोलिटिकल अनइस्टैबिलिटी पैदा करने वाले कौन है जिनका कि इस फेयर फैक्स की रिपोर्ट में चर्चा है। पहले, विश्वनाथ प्रताप सिंह। दूसरे विदेशी नागरिक, फारेन नेशनल नस्ली वाडिया। वह फारेन नेशनल, उमका बाप फारेन नेशनल और उमके बाप का बाप मोहम्मद अली जिन्ना, हिन्दुस्तान को बांटने वाला, मोहम्मद अली जिन्ना। यह भूरे लाल कौन है। इलाहाबाद जिला के कलेक्टर और विश्वनाथ प्रताप सिंह के ब्लू आईड ब्वाय। जब ये उत्तर प्रदेश में मुख्य मंत्री थे तो उनके प्राइवेट सेक्रेटरी और यह विनोद पांडेय, गोरखपुर के रहने वाले। गोज हाथ दिखाते थे कि आप प्रधान मंत्री 28 अप्रैल को होंगे और फिर 30 अप्रैल को होंगे जायेंगे और फिर 8 अप्रैल को होंगे जायेंगे और चंद्र स्वामी, इंटर नेशनल आर्म डीलर खगोशी को दोस्त। इन सबने, दोनों ने मिलकर राजीव गांधी का तख्ता पलटने की कोशिश की। उनका नाम है विनोद पांडेय। उमके बाद एक है राम नाथ गोयंका। राम नाथ गोयंका कौन है? राम नाथ गोयंका इंडियन एक्सप्रेस के मालिक, इंदिरा गांधी के खून के प्यासे, कांग्रेस की सरकार के खून के प्यासे। यह अपने को समझते हैं कि हम हिन्दुस्तान को सुधारने वाले सबसे बड़े हम ही हैं। और इंडियन एक्सप्रेस के मालिक राम नाथ गोयंका के फाइनेंशियल एडवाइजर गुरु मूर्ति। गुरु मूर्ति, विनोद पांडेय और भूरे लाल, सब मिलकर दो वर्ष तक रिलायंस के खिलाफ सरकारी फाइलों से डाक्यूमेंट लेकर इंडियन एक्सप्रेस में छापते रहे। क्या यह सही नहीं है? ने विरोधी पार्टी को चैलेज करता है। मैं पार्लियामेंट से इस्तीफा दे दूंगा। आज

इस्तीफा देने के लिये तैयार हूँ अगर यह बात सही न हो कि गुरु मूर्ति और राम नाथ गोयंका और विनोद पांडेय और भूरे लाल फाइनेंस मिनिस्ट्री की सभी फाइलें ले जाते थे और उन्हीं फाइलों में इंडियन एक्सप्रेस का गड्डत अप 1985 और 1986 में लगाना लिखा जाता रहा रिलायंस कंपनी के खिलाफ। अगर यह बात सत्य हो तो मैं पार्लियामेंट में इस्तीफा देने के लिये तैयार हूँ। गुरु मूर्ति और राम नाथ गोयंका और जेठमलानी। आखिर यह जेठमलानी कौन है। इंदिरा गांधी की हत्या करने वालों के वकील। वह जेठमलानी और गुरु मूर्ति यह दोनों हर्षमैन को लेकर मिलते हैं विनोद पांडेय से और भूरे लाल से और भूरे लाल को हर्षमैन से मिलाने वाले, कौन? मैं पूछना चाहता हूँ कि भूरेलाल है या नहीं? जेठमलानी है या नहीं? गुरु मूर्ति है कि नहीं? नस्ली वाडिया है कि नहीं? हर्षमैन कौन है? वह मो. आई. ए. का डाइरेक्टर है मो. आई. ए. का आफिशल है। फेयर फैक्स में मो. आई. ए. के रिटायर्ड जितने कर्मचारी है वे काम करते हैं। एक दो. आई. के जितने रिटायर्ड कर्मचारी है वे फेयर फैक्स में काम करते हैं। यानि फेयर फैक्स और ही. आई. ए. एक ही सिक्के के दो पहलू है।

They are the obverse and reverse sides of the same coin मैं बनाना

चाहता हूँ कि हर्षमैन मो. आई. ए. की मदद में हिन्दुस्तान के पोलिटिकल सिस्टम को डिस्टेबिलाइज करने के लिए श्री रामनाथ गोयंका, विश्वनाथ प्रताप सिंह, भूरेलाल, विनोद पांडे आदि के साथ मिला और इन लोगों ने श्री राजीव गांधी का तख्ता पलटने के लिए पड़ताल किया।

आदरणीय उपसभाध्यक्ष महोदय, 13 मार्च को जो राष्ट्रपति ने राजीव गांधी को चिट्ठी लिखी, वह अभी परसो इंडियन एक्सप्रेस में छपी है, वह चिट्ठी मलगावकर ने करेक्ट की। वह रामनाथ गोयंका के घर पर लिखी गई। यह सारा झगड़ा शुरू होता

है 13 मार्च में। 13 अप्रैल को फेयर फैक्स बनाया गया, 12 जुलाई को विश्वनाथ प्रताप सिंह पार्टी में निकाले जाते हैं। यह साजिश थी कि राष्ट्रपति प्रधान मंत्री को बरखास्त करें और श्री विश्वनाथ प्रताप सिंह जो\* हैं उनको प्राइम मिनिस्टर अपाईंट करें। यह थी साजिश, इस साजिश के मतहत मारा काम किया गया। यहां पर लंबी चौड़ी बातें करने के लिए विश्वनाथ प्रताप सिंह आता है तो उसकी हिम्मत है तो इन सारे मामलों में खुली बहस इस पार्लियामेंट में होनी चाहिए। 13 मार्च को यह वाक्वेला शुरू होता है। वह चिट्ठी कहा लिखी गई? उसे मूलगांवकर इंडियन एक्सप्रेस का एडिटर लिखत है गेस्ट हाउस, सुन्दरनगर में राम नाथ गोयन्का के घर पर। इंडियन एक्सप्रेस का पुराना रखा रहा है राजीव गांधी के खिलाफ। उमने कितने कार्टून छापे हैं, उसमें राइट अप लिखे जाते हैं। इनके पीछे सब विदेशी ताकतें हैं।

I salute Mr Thakkar and Mr. Natarajan from this Parliament. मैं सैल्यूट करता हूँ नटराजन और ठक्कर को जिन्होंने भारत को डिस्टेबिलाइज होने से बचाया है और भारत की करोड़ों करोड़ जनता ने कहा है कि भारत की आजादी को खतरा पैदा करने वाले और अमरीकी साम्राज्यवाधियों के पपेट प्राइम मिनिस्टर बनाने की जो योजना बनी थी उससे भारतवासियों बचो। मैं कहता हूँ कि विश्वनाथ प्रताप सिंह \* in the Cabinet of Mr. Rajiv Gandhi. मैं मांग करता हूँ राजीव गांधी से कि वह विश्वनाथ प्रताप सिंह के सी. आइ. ए. से संबंधों की जांच कराए।

श्री सत्यपाल मलिक (उत्तर प्रदेश) : मान्यवर, मेरा एक व्यवस्था का प्रश्न है। इस सम्मानित सदन के किसी सदस्य को बिना किसी प्रमाण के\* क्या उचित है? क्या यह रेकार्ड में जाएगा?

\*रेकार्ड नहीं किया गया।

इसके दौरान बाद में भी कई नाम कहूंगा तो आप मुझे नहीं गेक सकते। आप इस पर व्यवस्था दीजिए। यह इस सदन की परंपरा नहीं है।... (व्यवधान)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please sit down (Interruptions) Please sit down.

SHRI PAWAN KUMAR BANSAL: It should go on record (Interruptions). It is a shameful thing (Interruptions) It should be on record

SHRI SATYA PAL MALIK: Should it go on record? (Interruptions)...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): All of you, please sit down (Interruptions). Please sit down (Interruptions).

SHRI MIEZA IRSHADBAIG: He has every right to say this; it should be a part of the proceedings. (Interruptions).

(Interruptions)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please sit down.

SHRI SATYA PAL MALIK: No,... (Interruptions).

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You are not listening to me, Mr. Malik (Interruptions).

श्री सत्यपाल मलिक हम बैठने वाले नहीं हैं। मैं नियम की बात करता हूँ। (व्यवधान) मैं आप से नियम की बात कर रहा हूँ। (व्यवधान) मैं कहता हूँ कि प्रधान मंत्री\* है इसको भी रिकार्ड में रखिये। मैं जानना चाहता हूँ कि यह रिकार्ड में गया या नहीं? (व्यवधान)

उपसभाध्यक्ष (श्री एच हनुमन्तप्पा) आप बैठते तो मैं बताता। Actually, V. P. Singh is the subject-matter of discussion. Because of the report, the CIA is also a subject-matter.

SHRI SATYA PAL MALIK: But you cannot. (Interruptions). This cannot go (Interruptions)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): This is a discussion on the Thakkar-Natarajan Commission where V. P. Singh, and Fairfax have been referred to. (Interruptions)

SHRI LAL K ADVANI: Mr. Chairman, Sir, you pointed out...

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I subsequently corrected it.

SHRI LAL K ADVANI: The subject-matter is Mr. V. P. Singh, CIA, Fairfax, etc. But I have been listening very carefully when Mr. Shiv Shanker was speaking. And he frankly said that what has been said in the Commission is a comment not merely on Mr. V. P. Singh. It has been the Finance Ministry and as a member of the Cabinet he felt guilty for all that has been said about the functioning of the Finance Ministry. So if any Member is supposed to accuse any hon. Member of this House as being a \* I would say that that right accrues to all other Members, and then one can make allegations about the Prime Minister also. (Interruptions) My submission is that it should be struck off the record. (Interruptions)

श्री सत्य पाल मलिक आप मुझे नियम बता दीजिए (व्यवधान)

श्री मीर्जा इशार्दबेग : जब आपको कहे तब आप बोलिये।

श्री लाल कृष्ण आडवाणी: सवाल यह है कि यह तरीका ठीक नहीं है। अगर आप

एक को एलाऊ करेंगे तो दोनों को एलाऊ करना पड़ेगा। एक को आप कहें कि एलाऊ करता हूँ और दूसरे के बारे में कह दें कि नहीं एलाऊ करता हूँ तो यह नहीं चलेगा। सब्जेक्ट मैटर पूरी गवर्नमेंट है प्राइम मिनिस्टर प्राइमली रिसासिबिल है। (व्यवधान)

SHRI DARBARA SINGH: On a point of order. When Mr. V. P. Singh was speaking I asked him whether it was known to him that Herschman was known to everybody as an ex-Director of CIA and that he engaged all the persons who were connected with the CIA, he told me: shut up. (Interruptions) I told him: I know what he was doing. I am not telling him what he was. But I am going to say on principle what he has done as a Minister. He cannot shut up anybody; he will be shut up. (Interruptions)

श्री लाल कृष्ण आडवाणी: शट-अप भी रिकार्ड से निकाल दीजिए।

श्री राम अवधेश सिंह: मेरा प्वाइंट आफ ऑर्डर है। प्वाइंट आफ ऑर्डर यह है कि कमिशन की रिपोर्ट हमारे सामने है इसमें क्या कमिशन ने बी पी. सिंह को कही कहा है और अगर इसमें नहीं कहा है तो आप क्या किसी को इजाजत देंगे और अगर देंगे तो मैं कहना चाहता हूँ राज ब माधो\* है।  
9.00 p.m.

इसलिये पहले मैं यह कहूंगा कि\* यह रिकार्ड पर जाना चाहिए।

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Such unparliamentary expressions are ruled out. As such, they will not be recorded.

श्री कल्पनाथ राय : आदरणीय उप-सभाध्यक्ष महोदय मैं बी. पी. सिंह के बारे में एक ही बात कह सकता हूँ --

हजारों खाहिशें ऐसी कि हर खाहिश पर दम निकले,

बहुत निकले मेरे अरमां, फिर भी कम निकले ।

निकलना खुद का आदम से सुनते आए थे,  
लेकिन बहुत बेआबरू होकर तेरे  
कूचे से हम निकले ॥

यह उनके बारे में कहा जा सकता है ।  
आडवाणी जो यहाँ पर बात करते हैं । मैं यह  
बात प्रेम काफ़ेस में कहा था कि \*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I have already ruled it out. Please don't repeat it.

SHRI MIRZA IRSHADBAIG: He is quoting from his own speech.

श्री कहरनाथ राय : आपको याद होगा, जब हिन्दुस्तान में बंगलादेश की जग हुई थी तो यह बात सामने आई थी कि हिन्दुस्तान का कैबिनेट में एच.सी.आई.ए. का आदमी है इन्फ़ॉर्मेशन स्ट्रेडिंग एजिडेंस है । श्री आडवाणी जा केविनेट के मंत्री रहे हैं । मैं उनसे पूछना चाहता हूँ कि क्या फ़ेयरफ़ैक्स एजेंसी की नियुक्ति कैबिनेट की प्रवृत्ति से हुई थी ? क्या प्रिंसिपल मिनिस्टर को फ़ेयरफ़ैक्स के बारे में कोई जानकारी दी गई थी । क्या पब्लिक को फ़ेयरफ़ैक्स के बारे में कोई जानकारी दी गई थी ? क्या फ़ेयरफ़ैक्स के बारे में और उसकी नियुक्ति के बारे में प्रधान मंत्री से रायली गई थी ? क्या फ़ेयरफ़ैक्स की नियुक्ति से पहले हमारे देश की इंटेलिजेंस एजेंसियों, आई.बी.बी. रा या डायरेक्टर, इंटेलिजेंस से पूछा गया था ? कौन दुनिया का प्रधानमंत्री इन बातों को बर्दाश्त कर सकता है ? मैं पूछना चाहता हूँ कि अगर जांच करना था तो क्या पहले आई.बी.बी. रा और दूसरी इंटेलिजेंस एजेंसियों से जांच करने के लिए नहीं कहा जाना चाहिए था ? जब वे कह देते कि इसमें विदेशी एजेंसी की जरूरत है तो उसके बाद को विदेश की एजेंसी के बारे में सोचा जा सकता था । क्या फ़ेयर-

फ़ेक्स के एन्टिसिडेन्ट्स और अन्य बातों के बारे में कोई विचार किया गया ? क्या आप को यह जानकारी नहीं थी कि आप जिस अमेरिकी एजेंसी को नियुक्त करने जा रहे हैं वह साम्राज्यवादियों की एजेंसी है ? क्या आपको इस बात की जानकारी नहीं थी कि साम्राज्यवादी ताकत लगातार हिन्दुस्तान को डिस्टेबिलाइज करने की कोशिश करते रहे हैं ? क्या लगातार हिन्दुस्तान को डिस्टेबिलाइज करने की कोशिश नहीं की गई है जिसका साजिश से तनदार हिन्दुस्तान पर हमला हुआ, जिसका साजिश से, अमेरिका की साजिश से, खालिस्तान का झगड़ा हिन्दुस्तान में पैदा हुआ ? क्या आपको इस बात का पता नहीं था कि फ़ेयरफ़ैक्स में सी आई ए के एजेंट काम करते हैं, उसके आफिसर सी आई ए के लोग हैं ? क्या आपको इस बात की जानकारी नहीं थी कि हर्षमैन हिन्दुस्तान में डा. हैरिस बनकर ही आया और फ़ेयरफ़ैक्स में ही ठहरा ? मैं कहना चाहता हूँ कि ओबेराय होटल में विनोद पांडे और भूरे लाल और बी.पी. सिंह की कई मुलाकातें हुईं । हर्षमैन की बी.पी. सिंह से कई मुलाकातें हुईं, बी.पी. सिंह हर्षमैन से कई बार मिले । भूरे लाल और विनोद पांडे और बी.पी. सिंह हर्षमैन से कई बार मिले । इन्होंने आपस में एक दूसरे को मिलवाया । मैं यह कहना चाहता हूँ कि श्री राजीव गांधी का तख्ता उलटने की पूरी कोशिश की गई । ये विदेशी एजेंसियों के माध्यम से श्री राजीव गांधी की सरकार का तख्ता उलटने की कोशिश की गई । यह बहुत नाजुक परिस्थिति है, बहुत गम्भीर परिस्थिति है । केवल नारेबाजी और भाषणावाजी से काम नहीं चलेगा । इस प्रकार से अस्तित्व लोप प्रियता हासिल नहीं कर सकते हैं । हमारे कमिस्ट मिनिस्टर आज बात करते हैं । लेकिन श्री सोमनाथ चटर्जी, कम्युनिस्ट पार्टी के नेता पालियामेंट में कहते हैं कि

"Whether it was a fit and proper concern or what are its connections with the American agencies like CIA and FBI, it appears nobody knows. Now, therefore, a concern from an imperialist country like



[श्री कल्पनाथ राय]

America has been chosen to investigate into very serious matters concerning our economy. I very strongly express our opposition to the selection of this type of an agency and for that matter an agency from a country whose ability to destabilise through diverse means, governments and systems in other countries, specially like ours is well-known. Therefore, this is my emphatic protest against this attempt. I would like to know as to the level of the government at which the decision to appoint the agency was taken. Was it at the bureaucratic — Secretaries level? Or was it taken at Minister's level? Or was it at PM's level? The mistake of Mr. V. P. Singh, it appears now, is that he had taken the help of an American concern, he should have done it through his own agency."

यह सोमनाथ चटर्जी थे जो कम्युनिस्ट पार्टी के पॉलिट ब्यूरो के मम्बर हैं। आदरणीय उपसभाध्यक्ष महोदय, कम्युनिस्ट पार्टी ने हिटलर का समर्थन किया लेकिन जब हिटलर सत्ता में आया तो उसने लाखों कम्युनिस्टों की गरदन घड़ से अलग कर दी। कम्युनिस्टों ने चिली में लडाई का विरोध किया, इन्होंने सिहानुक का विरोध किया। कई देशों में इन्होंने प्रतिव्रियावाद, ताकतों का साथ दिया है और इसी लिये दुनिया के कई देशों में ये कतल हुये हैं, लाखों की सख्या में कतल हुए हैं। इन्हे अक्कल बहुत देर के बाद आती है। 1942 में कम्युनिस्टों ने गांधी जी को, पंडित जवाहर लाल नेहरू को साम्राज्यवादी एजेंट कहा और इन्होंने आजादी की लडाई का विरोध किया। जिस देश में पुदरेस्ट पापुलेशन सबसे ज्यादा है वहा यह पार्टी सबसे वीकेस्ट है। कम्युनिस्ट पार्टी के अंदर मानसिक दिवालियापन बढ़ गया है। आदरणीय उपसभाध्यक्ष महोदय, गीता मुकजी, सी. पी. आई. कहती है कि :

"First, I fully agree that employing this American agency is

not to the best interest of our country as it transpires . . I would like to know how this appointment was made"

कम्युनिस्ट पार्टी की गीता मुकजी पार्लियामेंट में यह कहती हैं, सी. पी. एम. की पॉलिट ब्यूरो के मम्बर यह कहती हैं, आदरणीय उपसभाध्यक्ष महोदय, जो सबसे बड़ी बात है वह यह है कि जो टर्म्स आफ रेफरेन्स किसी कमीशन का बनाया जाता है Who drafted the Terms of Reference? बी. पी. सिंह ने यह टर्म्स आफ रेफरेन्स बनाया इस टर्म्स आफ रेफरेन्स के तहत कमीशन ने अपने फैक्ट्स फाइंडिंगम किये। किसी भी कमीशन का जज वही फैसला करेगा जिस तरह से उसके पास फैक्ट्स आयेगे, चार्ज आयेगे। आदरणीय उपसभाध्यक्ष महोदय, मैं आपसे यह निवेदन करना चाहता हूँ कि आज सारा देश यह जानना चाहता है कि एंकर-नटराजन जो सुप्रीम कोर्ट के जज हैं वे क्या कहते हैं। इसको आज हर हिन्दुस्तानी जानना चाहता है। मान्यवर, यह कहकर मैं अपनी बात समाप्त करूंगा।

"In the engagement of Fairfax, a foreign private detective agency, due care had not been taken to protect the larger national interests. On the other hand, the engagement had been done with the help of other interested parties without exercising even minimum care and caution

The engagement of Fairfax without the prior consent of the Prime Minister and the Cabinet is a matter of concern because the engagement of a foreign agency without due safeguards can even lead to exposing the country to grave security risk

The engagement of a foreign agency without consulting the Council of Ministers is an impropriety as it is violative of the principle

of collective responsibility of the Cabinet."

The engagement of a foreign agency for investigating matters affecting the country, the Government and the citizens, would be tantamount to placing the investigation not in the hands necessarily of the foreign private detective agency but possibly in the hands of the Secret Service or Intelligence Wing of the country to which the foreign agency belongs. Consequently, the Intelligence Wing of the foreign country could make use of the material gathered during the investigation for manipulating things in such a way as to suit its own political ends, including the destabilisation of India.

आदरणीय उपमहाध्वक्ष महोदय, यह कल्पना राय नहीं कह रहे हैं। आडवाणी साहब नहीं कह रहे हैं। हमारे सत्यनारायण रेड्डी साहब नहीं कह रहे हैं, यह जस्टिस आफ इंडिया कह रहे हैं जिनका कोई पोलिटिक्स में कोई मतलब नहीं है। उनकी फाइंडिंग और उनकी बातों पर विश्वास नहीं करने हैं। हर काम को पोलिटिकलाइज करने हैं। हिन्दुस्तान की एकता और अखण्डता का क्या होगा? सबसे बड़ी चीज जो कमिशन ने कहा है वह है--

Once a foreign detective agency is officially authorised by the Government to investigate the affairs of its citizens and industrialists, the Government ceases to have control over the foreign agency as it would not be governed by the Indian laws or be subject to the jurisdiction of the Government.

यह जस्टिस नटराजन कहते हैं। इसमें भी गंभीर बात है जो हमारे जजेज ने कही है--

The engagement of Fairfax was illegal because under the Foreign Exchange Regulation Act, 1973, the engagement of a private person or

agency, whether foreign or internal, for conducting an investigation under the said Act is not permissible as per the provisions of the Act. The engagement of Fairfax would itself amount to the creation of an agency. But even if it were not so, the utilisation of the services of Fairfax would be illegal because the Foreign Exchange Regulation Act, 1973 does not permit securing of the assistance of any foreign agency.

आदरणीय उपमहाध्वक्ष महोदय, ग्रॉवर डिबेट किम बात पर हो रही है? यह राष्ट्र की एकता और अखण्डता का सवाल है। आडवाणी साहब हमें विश्वास है कि राष्ट्र की एकता और अखण्डता को आप जैसे लोग खतरे में नहीं डालना चाहेंगे। आपको मालूम है कि निजाम के बहाने इस मुल्क में अंग्रेज आया और उसने भारत पर कब्जा कर लिया। एक कम्पनी ने हमारे देश पर कब्जा कर लिया। हमको इतिहास में सबक लेना चाहिए। आपके और हमारे आर्थिक सवालों पर मतभेद तो हो सकते हैं लेकिन जहां तक देश की एकता और अखण्डता का प्रश्न है इसको हम कभी खतरे में नहीं डालना चाहेंगे। कंगड़ों के बलिदान में, कंगड़ों शहीदों के बलिदान में, लाखों शहीदों के खून में जो आजादी का पौधा पैदा हुआ उस पौधे के जवाहरलाल नेहरू और गांधी जी बीज थे जो उसके पड़ बने, इन्दिरा जी उस पेड़ में फल पैदा हुईं अब राजीव गांधी को उस पेड़ की रक्षा करनी है। भारत की कोटि कोटि जनता में मैं अपील करता हूँ आइये आज हम प्रतिज्ञा करें कि विदेशी ताकतों को हम हिन्दुस्तान की सगर्मी पर नहीं आने देंगे और राजीव गांधी के नेतृत्व में भारत को शक्तिशाली और सम्पन्न राष्ट्र बनाएंगे ताकि न केवल हिन्दुस्तान की रक्षा कर सकें बल्कि विश्वशान्ति और विश्व-विकास का सन्देश दे सकें। धन्यवाद।

श्री लाल कृष्ण आडवाणी : उपमहाध्वक्ष महोदय मैंने एक निवेदन करना है। मदन आज काफी देर तक चल

[श्री लाल : एण आडवाणी]

सकता है और ससदीय कार्य मंत्री ने हम लोगों के भोजन की व्यवस्था की है इसके लिए हम उनके आभाषी हैं। मैं उन से निवेदन करना चाहूंगा कि हमारे कारण यहां के कर्मचारियों और लाइब्रेरी के कर्मचारियों को देर तक बैठना होगा उनके भोजन की भी चिन्ता करें। जहां तक भेरी जानकारी है भोजन का इन्तजाम उनके लिए नहीं है यह केवल एम पीज्म को मिलेगा। मैं चाहूंगा कि इस मामले में शुरू से लेकर सावधानी बरती जाए कि जिन कर्मचारियों को यहां रोक जाया है उसके ट्रांसपोर्ट की और भोजन की उचित व्यवस्था होनी चाहिए।

SHRI ALADI ARUNA alias V. ARUNACHALAM: Mr. Vice-Chairman, at the outset, I thank Justice Thakkar and Justice Natarajan for their good service to the nation by submitting a report of inquiry into the utilisation of Fairfax Group Limited. No doubt, it is an onerous and a thankless job. While sitting judges are asked to enquire into the matter of political nature, scathing attack, criticism and character assassination are engineered against the judges by vested interest groups with the intention to thwart the very purpose of the Commission. Despite the verbal assaults, the honourable judges, without fear and favour, exposed the lapses on the part of the Finance Ministry which was under the control of Shri V. P. Singh, and have also established the truth without any obscure and ambiguity.

The findings of the Inquiry Commission, no doubt, throw a flood of light, as to how Wadia and Express Group have exploited our Government machinery, the Finance Ministry under Mr. V. P. Singh, and how the officials have favoured big business houses and how Mr. V. P. Singh involved the risk of hiring a foreign private detective agency.

According to Mr. V. P. Singh, he was very particular to expose economic offenders, to unearth deposits of black money, and to collect information about cases of FERA violations. According to him, the intelligence wing in India and outside under the control of Indian Government was not effective and also it was expensive. Therefore, Mr. V. P. Singh argued that he preferred a foreign detective agency.

Now, the point for the consideration of the House is whether hiring a foreign private agency is a matter of major policy or the matter of day-to-day administration. If Mr. V. P. Singh had given oral clearance to engage the detective agency for a particular case or for particular violation, we could have considered it as an affair of day-to-day administration. But Mr. V. P. Singh himself has admitted that he gave oral clearance not for an individual case but for all cases. So, it is a matter of major policy for which approval of the hon. Prime Minister is quite essential.

Then, why did Mr. V. P. Singh bypass the approval of the Prime Minister? This is the crux of the problem. Mr. V. P. Singh, while he was the Finance Minister, willfully and deliberately allowed his officials to engage foreign detective agency without record without proceedings, without anything in black and white on the file anywhere only because he was not for unearthing economic offenders as claimed, but to help the Express and Wadia groups in their inter-corporate war. He did everything, not with national interest, but with personal interest, to help a particular business house, not with the intention of gathering information against economic offenders, but with the intention of collecting information about the selective offenders. That is why, in hiring foreign detective agency, he deliberately bypassed the approval

of hon. Prime Minister. Now, he could claim that he had noted his oral clearance in the file. I agree with this argument. But the question arises when did he put his oral clearance on the file. Our hon. Finance Minister, the then Minister of State for Finance, raised certain pertinent questions in the file on 17-2-87. I quote:

"Please let me know the facts regarding the following:

(1) Was any permission from F.M obtained about contacting foreign agencies?

(2) Was there any permission to involve Fairfax Group Ltd.? If so, what were the terms and payments settled?

(3) Please see last para X. Was the permission of F.M obtained for engaging FG Ltd?

(4) How and why they are working without any payments, even initially."

These questions brought the officials, Mr. Bhure Lal and Mr. Vinod Pande, under the fire of scrutiny. Therefore, to safeguard their position Mr. Vishwanath Pratap Singh called for the file and noted his oral clearance. Here, the important question is, how could Mr. V. P. Singh make his noting in the file of the Finance Ministry when he was the Defence Minister? What is the procedure? What is the practice? What has been followed so far in our Cabinet system? Sir, the rules of transaction of business clearly state. With the permission of the Chair, I would like to remind the House about this. The rules say: 'Request for papers: (1) The Prime Minister may call for papers from any department. (2) The Finance Minister may call for papers from any department in which consideration is involved. (3) Any Minister may call to see the papers in any other department if they are relevant to or re-

quired for the consideration of any case before him.' Clause (3) deals with two conditions. A Minister who is not concerned with another Ministry has no right to sign the files of the other Ministry. He has only the right to call for and see the papers. Even in this case, there are two conditions. There should be relevancy. Secondly, there is need for it for the consideration of any case before him. When these two conditions are absent, the Minister who holds a different portfolio has no right even to see the file of another Ministry. This is the rule. In the light of this rule, the question is whether Mr. V. P. Singh acted according to it. No. There is a clear violation on the part of Mr. V. P. Singh.

PROF. C. LAKSHMANNA: How?

SHRI ALADI ARUNA alias V. ARUNACHALAM: Yes. There is a clear violation. He has no right to see.

PROF. C. LAKSHMANNA: Both the points are covered.

SHRI ALADI ARUNA alias V. ARUNACHALAM: There is a clear violation because the case was not relevant to him. He was the Defence Minister at that time. If he wanted to make any noting, it should have been done with the consent of the Minister concerned.

Now, Sir, Mr. V. P. Singh claims that he had given clearance to engage a foreign detective agency, not against any particular company but against all offenders. We appreciate it. But what is the statement of the then Revenue Secretary, Mr. Pande? Mr. Pande has mentioned that the permission had been given in regard to Reliance. Mr. V. P. Singh claims that his oral clearance was for all cases. But the Revenue Secretary says, confirms, that this was in connection with Reliance. Therefore, the naked truth is that the prime action of this coterie

[Shri Aladi Aruna alias V Aruna-chalam]

was not against any FERA offenders but against a particular business house. Another painful fact is that the coterie totally failed to enquire into the antecedents of the Fairfax Group. Mr V. P. Singh has admitted that he was quite unaware of the name of this foreign detective agency. He has clearly said this on many occasions. Mr Pande has also said that he had no knowledge about the Fairfax Group. Even Mr. Bhure Lal has stated that he had no detail about Fairfax. Then what factors led these officials to engage Fairfax? This is my point. It is none other than Mr Gurumurthy Adviser of "Indian Express" who is responsible for this. He had introduced Mr Hershman to our officials. Now the point is, did our Director of Enforcement, then the Revenue Secretary, examine or enquire about them? Did they contact our Embassy in Washington about this Fairfax which is having its head office there? Without any enquiry, without any examination they engaged Fairfax only because of the recommendations of Mr Gurumurthy. In other words, Mr V P Singh has allowed the officers of the Finance Ministry to act as servants of Wadia and Express Group. If you examine whether Fairfax Group is competent enough to be a detective agency, the answer is, no. Prof Michael Nacet has clearly stated that engaging Fairfax was not prudent. Mr Hershman, the president of Fairfax, in an interview to a journal has admitted that nearly all his employees came from CIA, FBI, IRS, military intelligence and police. That is why engaging such an agency would certainly imperil and endanger the security of the nation.

After the publication of this Commission's report, it is reported in the press that Mr McKay has stated that Fairfax did not receive any enquiries from the Commission; as far as I

know, no one in the United States was questioned. Sir, it is a deliberate, wilful and malicious statement of Mr. McKay. Why am I saying this? The Commission tried its level best to get evidence from Fairfax Group but the Fairfax Group deliberately refused to cooperate with the Commission. The Commission itself has mentioned that Mr. Hershman, however, failed and neglected to respond to the said requisitions. In fact, he did not even care to acknowledge the receipt of the same. This is the factual position. Now he is totally misleading the public. Sir, I am to remind that not only Hershman, even Gurumurthy did not prefer to cooperate with the Commission. He preferred only the battle of litigation rather than giving answers to the questions. That stand taken by Gurumurthy was quite untenable.

Therefore, after going through the report, to the best of my knowledge what I believe is that Fairfax Group Ltd has been engaged without proper procedure, without the approval of the Prime Minister. That is number one. No 2, M/s Wadia and Ramnath Goenka have successfully exploited the Finance Ministry for their inter-corporate war. No 3, Mr. V P Singh had agreed to engage foreign detective agency not with national interest but with personal interest. And lastly, engaging of Fairfax due to the initiative of Mr Gurumurthy is no doubt dangerous to the security of the nation.

With these words I conclude.

THE VICE-CHAIRMAN (SHRI HANUMANTHAPPA): Yes, Mr Panicker.

श्री अश्विनी कुमार (बिहार) :  
उपमहाधक्ष महोदय, मेरा एक निवेदन है  
आपने, संसदीय कार्य मंत्री ने सदस्यों  
के लिए भोजन की व्यवस्था की है बहुत  
अच्छी बात है। लेकिन . (व्यवधान)

SHRI K VASUDEVA PANICKER:  
Thank you, Sir. After the speech of

Mr. V. P. Singh, as he was going out of this House, I asked him, "after having spoken so much which is factually wrong, why do you go out?" He replied: "Why should I sit?" I would submit that the behaviour of Mr. V. P. Singh speaks of a certain character—that Mr. V. P. Singh is a person who speaks untruth and survives on untruth. There is a historic statement made by Mr. V. P. Singh in the Lok Sabha in reply to a question posed by Mr. Goswami, a Member of the Lok Sabha. The statement is very simple and short. It is: "I do share the responsibility". This is a simple statement but a statement pregnant with very great idea. It is a confession on the part of Mr. V. P. Singh of certain ulterior thing. And what was it? It was a conspiracy to which Mr. V. P. Singh was a party, a conspiracy of which Mr. V. P. Singh was a hatcher, and in the process of executing that conspiracy. Mr. V. P. Singh has been trying to destabilise this country. I am charging Mr. V. P. Singh with an offence of treason. I am charging Mr. V. P. Singh with an offence of attempting to destabilise a legitimately elected government and a Prime Minister. I am charging Mr. V. P. Singh with the offence of a conspiracy. I am charging Mr. V. P. Singh with an offence of smuggling and committing theft of certain papers from one Ministry into another Ministry. And what is the conspiracy? Conspiracy means an action with an ulterior motive, on an ulterior design which is illegal but which is being conducted in the most clandestine way keeping those who are affected and those institutions which are also affected in absolute ignorance and darkness. It is again in furtherance of the execution of an ulterior motive and the ulterior motive is of bad design. And what was the bad design? The bad design in this case was that Mr. V. P. Singh wanted to destabilise the legitimately elected government headed by the Prime Minister of India. In the last

concluding part of his speech, Mr. V. P. Singh had said: "That is why we have been trying to replace this Prime Minister from office". You can go through the last sentences of the speech which Mr. V. P. Singh has made. The cat is out of the bag. Mr. V. P. Singh has come out forthrightly with a categorical statement that he and his conglomeration were trying to destabilise and overthrow a legitimately elected government whose head is the Prime Minister, Shri Rajiv Gandhi and nobody else. Why? Because internationally a conspiracy is going on, a conspiracy has been hatched to weaken this country. This conspiracy has been hatched by the international monopoly forces to destroy this country, a conspiracy has been hatched by the international capitalist forces, imperialist forces to overthrow the legitimately elected Congress government and to overthrow the Prime Minister of this country who is leading this country to progress.

(The Deputy Chairman in the Chair)

Why do these people want to have a destabilized country? These imperialist forces, these capitalist forces are trying to destabilize the Government of India, are trying to destabilize the nation as such, are trying to overthrow the Prime Minister of India because these forces want to open a market on the soil of India. So long as Rajiv Gandhi remains the Prime Minister, so long as Rajiv Gandhi is elected and his Government remains in power, the efforts of the imperialist forces are not going to be fruitful. So, there is no option for the imperialist forces but to overthrow, dislodge the Government headed by the Prime Minister, Shri Rajiv Gandhi. In that process, those very same forces, those very same capitalist forces, those very same monopoly capitalist forces, those very same imperialist forces have hired V. P. Singh for executing the malignant design of overthrowing an elected Government

[Shri K. Vasudeva Panicker]

of India, and V. P. Singh happened to be a victim, knowingly, willingly, of the plan of destabilization hatched by the vested forces in India

I charge V. P. Singh with treason. If a person has mortgaged the national interest for an ulterior purpose, he is liable to be prosecuted and tried for an offence of treason. I do not know whether he will come out legally out of a court if he is proceeded against, but the fact remains that before the multitude of people, before the crores and crores of poor people of this country, V. P. Singh stands in the dock as an accused. He cannot escape the court of the people in India.

I want to ask certain questions. V. P. Singh is claiming to be honest. I have no question about that. But if V. P. Singh is a person who is committed to honesty and truth, he should have resigned as a Member of this House because it is my party, the party of Prime Minister Shri Rajiv Gandhi, which made him a Member of the Rajya Sabha. He manipulated himself into, what is to be known as, the Rajarshi from Varanasi. I know another Rajarshi in this country, Rajarshi Tandon, who was a leader of the Congress Party, who was a revolutionary and who went to jail so many times for so many years. And that Rajarshi, when he was not happy with the Congress and when he happened to go out of the Congress, he resigned from whatever.

**SHRI SATYA PRAKASH MALA-VIYA:** He did not resign from the Congress.

**SHRI K. VASUDEVA PANICKER:** I stand corrected. He resigned from whatever post he had held in the Party. My submission is, if Rajarshi V. P. Singh is honest, he should have resigned from what he is today. He does not have the courage, he does not have the boldness, he does not have the conscience, he does not have the honesty to resign. What is V. P.

Singh? V. P. Singh is nothing less than Judas. I am remembering the face of Jesus Christ. Jesus Christ said to his disciples just before the Last Supper, "One of you will betray me." And one of his disciples did betray Jesus Christ, and that person is called Judas, who is V. P. Singh here? V. P. Singh, who did not have much political background, who did not have a life of sacrifice as historical background, was made Number Two in Rajiv Gandhi's Cabinet and Rajiv Gandhi trusted him to the core to the extent of being cheated, deceived and defeated by V. P. Singh. Is he honest? If he is politically honest, he should not have done that. What do you mean by collective responsibility? The collective responsibility of the Cabinet and the Prime Minister is not the responsibility of protecting an individual who has engaged and indulged in a conspiracy against the very same Prime Minister and against the very same Cabinet and against the very same nation. The collective responsibility means the responsibility of the Prime Minister, the responsibility of the Cabinet Members, the responsibility of the Council of Ministers to protect one of the Cabinet colleagues who, with the knowledge of the Cabinet, with the knowledge of the Prime Minister, with the knowledge of other Cabinet Members, has done an action and happens to be wronged. He should be protected.

It is not Mr V. P. Singh who is to be protected because Mr. V. P. Singh was an agent of multinationals. Will you protect an agent of multinationals? The Congress Party has got the declared policy of working for the poor people of this country. That is the policy of the Congress party. The Congress party is not in support of multinationals.

What did Mr. V. P. Singh do? Did Mr V. P. Singh arrest any of the biggest smugglers in this country? There are ever so many smugglers in this country who are owners and

proprietors of millions and billions and trillions. Did Mr. V. P. Singh arrest any of these people? He did not arrest any of these people, whereas he was on the spree of arresting indigenous industrialists who were having their own industries. What for? I am not a friend of any industrialist. I never met any industrialist in this country. But so long as the public sector has to reach a particular position, to that extent the private sector has also to be supported. The policy of the Government of India is a policy which is encouraging the private sector also because the dead capital which is hidden, on the surface of the soil has to be brought out for the use of the public. A day will come when the Government of this country, when this nation will take over the entire private industries of this country. Don't kill the private industries in the bud because you are the loser. That is the policy of the Congress Party.

What has happened? By indiscriminately arresting and terrorising indigenous industrialists, Mr. V. P. Singh was sending tremors down the spines of the Indian industrialists who were trying to build up an economy which was supported by the nation. In their absence, when all the indigenous industries will be destroyed, when this sort of indiscriminate arrest takes place, what would happen? That vacuum will be filled not by Indian people but by multinationals, and Mr. V. P. Singh was trying to invite multinationals on the shambles of the Indian industries. He is not a friend of Indian people. He is a friend of multinationals. He is an agent of multinationals. That agent has been a party to the conspiracy which was hatched for the purpose of taking over power from the people and hand it over to the vested interests who will serve the interests of the western world.

So, Mr. V. P. Singh is standing as an accused in the court of the people.

What I want to submit is that the Chair should recommend the Government to take proceedings against Mr. V. P. Singh under the legal provisions of the Indian Penal Code, under the Cr.P.C. and whatever Acts and legislations are there for the offences of conspiracy, for the offences of attempting to destabilise, for the offences of supporting multinationals, for committing an offence of theft of papers from one Ministry to another Ministry, for violating the business rules of the Ministry when he was transferred to another Ministry. I do not know from how many departments and from how many ministries, Mr. V. P. Singh might have taken the papers and files with him. Can you believe this man? If anybody believes this man, this country will go to dogs.

With this submission I request to the hon. Chair to please request the Government to proceed against Mr. V. P. Singh for all the offences he has committed under the law.

डा. बापू कालदाते : उपसभाध्यक्ष महोदया दो-तीन सवालों की तरफ आपके माध्यम से सदन का ध्यान खींचना चाहूंगा। यह बात सही है कि हम लोग विरोधी दल वाले हैं जिन्होंने इस चर्चा की मांग की। हम इसके लिए इसको मानते हैं कि लोकतंत्र में जो कुछ भी इस देश में चलता है उसकी जानकारी जनता को होनी चाहिए। Right of information is the basic right of the people of this country. और इसके लिए हम यह मानते थे कि जिस कारणवश यह जांच आयोग आपने बैठाया है उसके बारे में न सिर्फ सदन जाने बल्कि इस देश की जनता भी सच्चाई को जाने। साथ ही हम यह भी मानते थे कि सच्चाई के बारे में इस सदन की और दूसरे सदन की राय भी जो हो सकती थी वह भी जनता जाने ताकि वह स्वयं अपनी राय बना सके। मैं यह भी मानता हूँ कि सदन की व्यासपीठ एक तरह से लोगों की राय बनाने के प्रयास की एक व्यासपीठ है और इस दृष्टि से मैं इस बात को देखता हूँ।



[ डा० बापू कालदाते ]

मैं आपको याद दिलाना चाहता हूँ कि सरकारी पक्ष के लोगों को जब अच्छा लगता है तब रिपोर्ट पर डिसकशन के लिए गंभीर होते हैं। मैं दो रिपोर्टों का जिक्र जरूर करना चाहता हूँ। श्रीमती इन्दिरा गांधी की हत्या हो गयी ठक्कर कमिशन हमारे सामने है दूसरा ठक्कर कमिशन कहाँ गायब हो गया। इन्दिरा गांधी की हत्या हुई और उनकी हत्या के कारणों की जांच करने के लिए इसी सम्मानीय जज साहब को अपाएंट किया गया था। मुझे जहाँ तक याद है 20-11-84 को इस सदन में टर्म्स आफ रिफरेंस बताया गये लेकिन रिपोर्ट कहाँ गायब है इसका अभी तक न देश को पता है और न हम को पता है।

श्री पशुपति नाथ सुकुल : उसका इससे क्या मतलब। यह हमारी चीज है वह दूसरी चीज।

DR. BAPU KALDATE. Why are you getting impatient? I never become impatient.

SHRI P N SUKUL. It is irrelevant.

डा० बापू कालदाते : मैं कह रहा हूँ रिलेवेट है। बिल्कुल रिलेवेट है। मैं आपको दिखाना चाहता हूँ कि यह सरकार लोकतंत्र के खिलाफ वर्ताने वाली सरकार है। आप हैं जिन्होंने कमिशन आफ इन्क्वायरी एक्ट में अमेडमेंट किया। आपने अमेडमेंट लाकर यह कहा कि देश की सुरक्षा के लिए देश के ज्यों के लिए देश के त्यों के लिए सरकार सदन ने रिपोर्ट पेश नहीं कर सकती। Why were you worried about it? If the information is there, let the information come. People are there to judge whether it is true or wrong. Why do you try to hide the facts? आप चाहते हैं उसको छिपाना और सदन में आते हैं अपने भागी बहुमत के जरिए

कमिशन आफ इन्क्वायरी एक्ट में अमेडमेंट ले कर। जो आप को नहीं चाहिए वह देश से छिपाने का प्रयास करते हैं और फिर लोकतंत्र की बात करते हैं। मैं आप से पूछता हूँ रंगनाथ मिश्र को जांच आयोग का क्या हुआ? उस आयोग की रिपोर्ट इस सदन में क्यों नहीं रखी गयी जबकि विरोधी दलों ने मांग की थी कि रंगनाथ मिश्र कमिशन की रिपोर्ट पर यहाँ पर चर्चा होनी चाहिए। लेकिन आप उसको नहीं लाये क्योंकि आप समझते हैं कि आपके हाथ में बड़ी शक्ति है लेकिन मैं बताना चाहता हूँ कि यहाँ की शक्ति काम नहीं आती। शक्ति है बाहर की। अगर लोगों के मन में यह भावना पैदा हो गयी कि इस देश का सरकारी पक्ष जनता को इम्फरमेशन के राइट से वंचित करना चाहता है तो आप को निकाल कर इस राइट को प्रस्थापित करोगी। इस बात को आप मत भूलिए। लेकिन मैं खुश हूँ (व्यवधान) मैं कहता हूँ मैं आप से सहमत हूँ। हमने जांच कमिशन बैठाया था शाह कमिशन बैठाया था। उसने अपनी रिपोर्ट दी लेकिन आपको पता है लोगो ने हम को दुबारा नहीं आने दिया। यही होगा आपके साथ भी इस जांच कमिशन से मत भूलिये। समझिये यह बात बिल्कुल ठीक है। हम इसके लिए तैयार हैं, हमने यह नहीं कहा कि हम तैयार नहीं हैं... (व्यवधान) उसी पर आ रहा हूँ। आपकी नियत क्या है, आपका दखल क्या है, इस पर भी ध्यान देना जरूरी है। मुझे इस बात की खुशी है कि आपने इस पर चर्चा मंजूर कर लिया। एक जांच आयोग की रिपोर्ट पर सदन में काफी चर्चा हो रही है। लेकिन मैं यह स्पष्ट करना चाहता हूँ कि अगर यह सरकार जांच आयोग की सिफारिशों को मंजूर करती है तो सिद्धांत के आधार पर श्री राजीव गांधी इस्तीफा दें। He has no right to be head of the Government. दूसरी बात मैं यह कहता हूँ कि जैसा अभी श्री पाणिकर जी ने भी कहा, आप तुरन्त श्री बी० पी० सिंह पर मुकदमा दायर करें।

एक तरफ तो आप तैयार हैं। हमने प्रेस कॉन्फ्रेंस में यह पढ़ा है कि "Mr. V P Singh threw an open challenge to the Government to prosecute him within a month if it had the guts and there was any truth."

यह बात वात पूरी हो जाती है कि वे इसके लिए तैयार हैं। कमीशन ने उनको इंडिक्ट किया है। श्री शिव गंजर जी ने कहा कि यह तो इवेस्टिगेशन था। मैं अग्रेजी बहुत नहीं जानता हूं, श्री भाटिया जी मुझे बता देंगे, मैंने इंडिक्शनरी में इंडिक्ट-मेंट का अर्थ देखा-

—What exactly indictment means? It means criminal charges.

जहां तक मैंने पढ़ा है, यह क्रिमिनल चाज है। इसलिए आपको प्रोसेक्यूट करना चाहिए, उनको और आपको इस्तीफा देना चाहिए। मैं आपके सामने विली ब्रन्ट का उदाहरण देना चाहता हूं—  
 —Willy Brandt was Chancellor of Germany

ऐसा पता लगा कि उनकी प्राइवेट सेक्रेटरी का संबंध जी०डी०आर० से है और ये स्वयं एफ०आर०जी० के थे। विलीब्रन्ट ने कहा कि यह मेरी मारल रिस्पॉन्सिबिलिटी है। अगर मेरा कोई कर्मचारी देश के खिलाफ काम करेगा तो यह ठीक नहीं है। He said, that "It is my moral responsibility. This is my moral responsibility and, therefore, I resign."

श्री वी०पी० सिंह आपके मंत्रिमंडल के सदस्य थे। श्री भूपे लाल आपके एडमिनिस्ट्रेशन के सदस्य थे, हमारे एडमिनिस्ट्रेशन के सदस्य नहीं थे। आपके एडमिनिस्ट्रेशन के सदस्य कोई गलत काम को तो यह आपकी जिम्मेदारी है। खुद आपको इसका दण्ड मिलना चाहिए। आप दूसरे पर दोष फेंकने का प्रयास करें, यह आपको शोभा नहीं देता है।

\* Really speaking immediately after the report Rajiv Gandhi should have resigned. I know he will not until and unless he is thrown out by the people.

लेकिन आपमें यह हिम्मत नहीं है। इसके लिए बहुत शक्ति की जरूरत होती है।

श्री मीर्जा इश्रादबेग : आपके मोरारजी भाई ने उस वक्त इस्तीफा क्यों नहीं दिया ?

श्री पशुपति नाथ सुकुल : वी०पी० सिंह को रिजाइन करना चाहिए।

डा० बापू कालदाते : मैं वी०पी० सिंह के बारे में नहीं कह रहा हूँ, उनकी परवां नहीं कर रहा हूँ।

SHRI V NARAYANASAMY: Why Mr. Morarji Desai has not resigned at that time?

श्री पशुपति नाथ सुकुल : आप वी०पी० सिंह से क्यों नहीं कहते हैं ?

डा० बापू कालदाते : आप ही कहते हैं कि हमारी संघीय प्रणाली है, इसलिए सब की जिम्मेदारी है। अगर आपकी संघीय प्रणाली है, सब की जिम्मेदारी है। तो हर एक चीज के लिए आप इस जिम्मेदारी को मानिये। अच्छी चीज के लिए तो आप राजीव गांधी जिन्दाबाद कहते हैं, लेकिन दूसरी बात के लिए दूसरी बात मैं नहीं कहना चाहता हूँ। मुझे वैसे कहना अच्छा भी नहीं लगता है। आवश्यक भी नहीं मानता हूँ। लेकिन यह हो सकता है और आप इससे छुट्टी पा सकते हैं। हम बड़े-बड़े भ्रष्टाचार मुक्त आये हैं। आप हमेशा ही सी०आई०ए० के खिलाफ लम्बे भ्रष्टाचार करते हैं। तो मैं जानना चाहता हूँ कि क्या आप इसके बारे में नहीं जानते थे ? इसलिए कमीशन की क्या जरूरत थी ? कमीशन की रिपोर्ट का अधिकांश हिस्सा ऐसा है जैसे कि सरमन जारी हो रहा हो। इस बात को सब लोग जानते हैं कि सी०आई०ए० क्या है। अपने निजी स्वार्थ के लिये, अपना राजनैतिक लाभ उठाने के लिए आपने, जो चाहा उसको रखने के लिए और

[डा० बापू कालदाते]

आपने जो चाहा उसको निकालने के लिए आप जो भी प्रयास करते हैं वह तो करते ही हैं। इसमें कमीशन ने क्या नई बात कही है यह मुझे मालूम नहीं है। लेकिन मेरा एक सवाल जरूर है। अभी यहां पर शिव शंकर जी ने जो कह उससे मैं हैरान हो गया। उन्होंने कह कि वी.पी. सिंह के कहने पर प्रधान मंत्री जी परसुयेड हो गये। What is leadership? Leadership should have guts to lead and not to get persuaded or pushed into a particular position.

AN HON'BLE MEMBER: He is still leading

डा० बापू कालदाते : मैंने कहा आप जरूर कह सकते हैं। आपको अधिकार है। डा० ज. लॉड। लॉड मेरा मत ही कहना है कि लीडरशिप में लीड करने की क्वालिटी होनी चाहिए। यहां पर शिव शंकर जी कहने लगे कि वे परसुयेड हो गये तो इसमें हमें जरा मुश्किल आती है इतना ही हम आपको कहना चाहते हैं। गार्डियन, मेरे दा ही सवाल है इस रिपोर्ट के बारे में। एक सवाल तो मेरा यह है कि इसने प्रॉब्लम मिस्टर सहन का जो खुद का बयान मैंने अखबारों में पढ़ा है उससे मुझे डर लग रहा है। कमीशन का क्या होने वाला है यह पहले ... (व्यवधान) ... मैं यह कहता कि यह सही है या गलत है। लेकिन यह कहा गया है कि आपकी पालियमेंटरी पार्टी की मीटिंग हुई और उसमें पंत प्रधान जी ने कहा है कि :

It is the "Hindustan Times" dated Saturday the 12th and I quote:

"The Prime Minister maintained that the Commission's report had unequivocally vindicated his position. I am sure that in the case of submarines and Bofors also, you will find one day that none of us would be involved."

कहते हैं कि कुछ निकलने वाला नहीं है, आप चिंतित मत कीजिए। ... (व्यवधान)  
The fate of the Bofors is already seen.

श्री मीर्जा इशार्दबेग : पार्टी के मेम्बरों के लिए यह है ... (व्यवधान) ...

डा० बापू कालदाते : मीर्जा जी, मैं यहां भी आपकी बात मानता हूं। लेकिन जो रिपोर्ट अभी तक आई नहीं, जिसकी चर्चा चल रही है, जिसका संशोधन हो रहा है उसके बारे में अगर देश के पंत प्रधान यह कहें इससे हम लोगों को ... (व्यवधान) ...

श्री मीर्जा इशार्दबेग : अपनी पार्टी के सम्मुख रखते हैं, अपनी पार्टी के मेम्बरों के सम्मुख रखते हैं (व्यवधान)  
He is knowing his men. He is knowing his Cabinet. He is knowing his Congress Members.

डा० बापू कालदाते : इससे हमारे मन में शंका पैदा होती है। यह इससे निकलेगा। दूसरा इससे कुछ निकलने वाला नहीं है। यह मैंने पहले भी कहा था कि यह होने वाला है। ... (व्यवधान) ...

श्री मीर्जा इशार्दबेग : होगा ही नहीं तो कैसे चलेगा? ... (व्यवधान) ...  
... He is knowing every Member and he is confident about the Congress Party Members.

डा० बापू कालदाते : अभी तक पता ही नहीं कि बच्चा होने वाला है या बच्ची होने वाली है?  
This is not fair. You have already had the taste and come to the conclusion.

श्री मीर्जा इशार्दबेग : कोई सवाल तो आया नहीं।

डा० बापू कालदाते : मुझे इतना ही लगता है कि यह सारी जो रिपोर्ट है इसमें दो-तीन बातें अवश्य करनी चाहिए जिनका जवाब मुझे अभी तक नहीं चाहिए

है। एक बात तो मैं यह पूछना चाहता हूँ कि कमीशन की रिपोर्ट में यह लिखा गया है, बहुत से लोगों ने इसको पढ़ा होगा। इसका मैं थोड़ा सा अंश पढ़ देता हूँ

"It would be preferable to collect the information by sending Indian officials abroad if necessary. In fact, it might be less costly and all these things."

क्या सरकार ने यह फैसला किया है कि इसके बाद कोई फारेन एजेसी किसी भी काम के लिए सरकार नहीं लगायेगी? इस नतीजे पर क्या आप या चुके हैं यह मैं सरकार से जानना चाहूँगा? लेकिन सरकार को कभी न कभी इसी ज़रूरत पड़ सकती है। इसलिए आप इनका कह सकते हैं कि शांति इनको नहीं लगायेगी। लेकिन इनका कहना यह है कि ऐसी एजेसी नहीं लगानी चाहिए मैं इसके अंदर ज़्यादा नहीं जाना चाहता हूँ क्योंकि इसका जवाब आप अभी ने दे दिया है, वी०पी० सिंह जी ने भी दे दिया है। कभी कभी इस काम के लिए गवर्नमेंट कुछ लोगों की मदद लेती है जैसे कि इंटरपोल है या अन्य संस्थाएँ होती हैं। इस बात मैं मान रहा हूँ।

दूसरा जो इसमें लिखा गया और जिसके ऊपर बहुत चर्चा चली वह यह है कि ओरल आर्डर्स आता है। मैं सही मायनों में पूछना चाहता हूँ और सिसियरली पूछना चाहता हूँ कि क्या सरकार में ओरल आर्डर्स चलने ही नहीं है या चलते हैं तो उनकी मर्यादा क्या है? मैं तो जूडिशियरी के बारे में बड़ा आदर रखने वाला इन्सान हूँ लेकिन यह भी बात सही है:

When Judges become Members of a Commission, they are not treated as Judges. They are Members of the Commission.

SHRI B. K. GADHVI: It is too much to say that.

DR BAPU KALDATE: I am not going to say anything. I feel sorry for that I have no quarrel. I am sorry.

अगर हमारा गलत है तो मैं उसको वापस लेता हूँ। हमें कोई इसमें झगड़ा नहीं है। मुझे दुख इस बात का है कि जो लिखा गया है उसमें स्वयं कमीशन ने कहा है कि हम लोगों के वहाँ जाने पर मुश्किल हो जायेगी। मैं बड़ी नम्रता से लेकिन दुख के साथ कहता हूँ कि स्वयं कमीशन ने इसके लिए जिम्मेदार है कि लोगों का उनके ऊपर भरोसा कम हुआ। इसके लिए दूसरा कोई जिम्मेवार नहीं है। कमीशन ने लिखा है कि हम लॉ को जाने पर बड़ी दिक्कत होगी क्योंकि ये लोग ऐसा करेंगे वैसा करेंगे। अगर इसके बारे में सही माने में तथ्य दुख के प्रयास करने तो मुझे लगता है कि जो शक पैदा हुआ है वह उसके ऊपर आता न किसी और पर आता। दो बातें कही गयी हैं और मुझे अभी तक जवाब नहीं मिला कि आपके 8वीं और 8सी के मुताबिक किन लोगों को अधिकार है वह अधिकार उनको देने के बारे में यह कमीशन क्यों चुप बैठा है। आप यह कह सकते हैं कि उनका 4 या 5 में लिखा है

"They chose their own procedure. This is no excuse"

यह अच्छी बात नहीं है। अगर इसके कारण उन्होंने यह किया होगा तब उनकी बुद्धिमत्ता के बारे में लोगों को थोड़ा शक होना शुरू हो जायेगा। मैं नहीं चाहता कि किसी जज के बारे में किसी के मन में शंका हो, हमारे खिलाफ निर्णय गया हो या आपके खिलाफ इस देश में किसी आदमी के मन में शंका पैदा होना This is one of the strongest arms of the democracy. जिसको हम मानते हैं कि इसमें कमजोरी हो जायेगी। इसके लिए मुझे लगता है कि इसमें तथ्य नहीं है, इसमें संदेह नहीं है। इसमें तथ्य यह है कि सरकार को बचाने का प्रत्यक्ष प्रयत्न इस कमीशन ने किया है इसका इतना ही मतलब निकलता है।

श्री विशुल भाई मोतीराम पटेल :  
य पीनियन पर मत जाइये, दरावर सही स्टडी कीजिए।

डा बपूकालदाते उनके अपराध के लिए सजा दी जाए, तु त प्रोसीक्यूट की जाए। हम चाहते हैं कि बी. पी. सिंह का तुरन्त प्रोसीक्यूट करे।

SHRI ANAND SHARMA (Himachal Pradesh): Madam Deputy Chairman, this House is discussing a very important issue, the findings of the Justices Thakkar-Natarajan Commission, what has been revealed by that enquiry, particularly the ramification of what was happening in this country, what was happening in the Ministry of Defence, what was the conduct of certain key officials, how law-enforcers became law-breakers, how certain key politicians, a former Cabinet Minister, colluded and connived with those who, in fact, should have been his targets as per his self-claimed self-professed, crusade and policy of bringing to book economic offenders. Madam, before the Commission of Inquiry was instituted on the 6th of April, the nation was unaware as to what exactly had taken place. We as a nation, the people of this country, were keen to know, we have a right to know, what was happening in this country and which were the outside elements that were involved. I find it strange when the findings are being adversely commented upon. Procedural wrangles have been raked up, diversionary issues have been thrown up, to cloud the reality, the Opposition, either willingly or being gullible enough, is walking into the same trap as they have repeatedly done on various issues and later on they have themselves repented when it has been too late. Those very people who till yesterday were attacking Mr. V. P. Singh as being reactionary, an agent of feudal elements, those who were attacking his programmes, his actions, as Finance Minister, his policy of appeasement of multinationals and big business houses, they suddenly find in him a hero.

a moral crusader, a martyr. This is most unfortunate. I would not like to go into details or repeat what has been said. But the findings have unfolded a murky drama enacted on the one hand by a press baron who also claims to be a puritan and a Messiah, who has not paid even a penny of income-tax, the owner of a textile company, Nushi Wadia, the grandson of Mohd Ali Jinnah, who is a non-resident, holds a foreign passport, Gurumurthy who claims to be a Chartered Accountant, a Financial Advisor to Mr. Goenka; he also happens to be educated from where Mr. Hershman of Fairfax about whom we are discussing, comes from—all these people were fighting a battle with the business rival of Bombay Dyeing—the Reliance Group of Industries. Now, Mr. V. P. Singh says that he was entitled to have any information from anybody—well, very correct—to book those who had taken the nation's money outside the country. I have no dispute with him there. He had every right, his officials had every right; correct. But this is what appears on the face of his actions. I have no brief for anybody who has violated the law of this land. They must be punished. But what Mr. V. P. Singh has done today, he has very cleverly worn the mantle of a moral crusader, posed as a victim; he has tried to take the credit for all the good works done by the Government and dumped the discredit on the head of the Prime Minister who made him Finance Minister, who reposed trust and confidence in him. Madam, it is very important just to mention the sequence of events. In 1986 certain articles appeared in the *Indian Express* written by Gurumurthy against the Reliance Group of Industries. In 1986 itself the Directorate of Enforcement started proceedings against the Reliance Group of Industries.

[The Vice-Chairman (Shri H. Hanumanthappa) in the Chair].

In the same year, in the same period we find, undue favours were given to Bombay Dyeing. Nobody has referred to that. If this was a genuine action on the part of Mr. V. P. Singh, why did he pick on only one industrial house when there are other violators also? It is all a concoction or fabrication, the so-called record that the detective agency was hired to probe into the affairs of a number of industrial houses. That is not true. I may like to refer to the benefits which were given by the Finance Ministry during this period to M/s. Bombay Dyeing owned by Mr. Nusli Wadia:

"Exclusive concession in paraxylene import duty—a benefit of Rs. 15 crores; abolition of counter-vailing duty on imports for DMT production—a benefit of Rs. 9 crores; changing from OGL to Appendix III and indigenous price increase by Rs. 1,500 per tonne—a benefit of Rs. 10 crores; increase in import duty on PTA from 140 per cent to 190 per cent—a benefit of Rs. 9 crores."

I would like to refer here to the findings of the Commission. It is very important. In this connection, I would like to refer to page 159 of the Report. What exactly was the motive, what exactly was the motivation, why this was being done, at whose behest and to benefit whom—all these will be clear. The Report says:

"...Certain facts have come to his notice regarding the conflict between Shri R. N. Goenka of "The Indian Express", Shri Gurumurthy of "The Indian Express" and Shri Nusli N. Wadia on the one hand and M/s Reliance on the other. He mentioned about the articles written by Shri Gurumurthy against the alleged irregularities committed by Reliance, in "The Indian Express" during 1986. Shri Nusli N. Wadia, as owner of Bombay Dyeing had

initiated domestic production of DMT had made representations for higher protection through increase in import duty on DMT and the alternative raw material PTA of which Reliance were the major importers."

All these benefits requested for by Mr. Nusli Wadia were granted. Today, when Mr. Vishwanath Pratap Singh says that he was acting against the economic offenders, I may also mention that there was, as Mr. Singh has referred to, a raid against Bombay Dyeing and there was a discovery of tax evasion to the tune of Rs. 35 crores. But was there any action taken by the then Finance Minister or the Directorate of Enforcement? The concerned Director (Anti-Evasion) was transferred within 24 hours. Why did Mr. Vishwanath Pratap Singh not refer to these things? Is it not disgusting and shameful to find that in the corporate war, the Government departments were made a party one was harmed and another was helped. Action against one at the behest of other. How can Mr. Vishwanath Pratap Singh justify today that has happened in his own Department and disclaim all responsibility ever for these actions? When he says that the central issue, which may of my friends in the Opposition have referred to, is the action against economic offenders, we also agree. But if there is any person who can take credit for initiating action against the economic offenders, it is the Prime Minister, Mr. Rajiv Gandhi, and not Mr. Vishwanath Pratap Singh. It was the decision of the Cabinet upon which he was acting. He is trying to steal the good work of the Prime Minister and the Government and he is trying to steal his programme as well as his slogan.

Sir, we also have to see what actually happened after this particular action which I have mentioned. This Mr. Gurumurthy, who goes to Ame-

[Shri Anand Sharma]

rica, spots the intelligence agency and this very gentleman comes back saying that he is poor, that he does not have the money to hire detective agencies and then recommends it to Mr. Bhure Lal. Mr. Bhure Lal goes to America before hiring it and till this time there is no record and there are no minutes. He is accompanied to M/s Du Pont and others by the Vice-President of Fairfax. He comes back and, at the same time, Mr. Hershman comes here. The record is there. Mr. Hershman stays in the same hotel at the same time along with Mr. Nushi Wadia. It has been said. Why am I referring to this is that it was not the Government of India which had ever hired the services. It was the facade on the part of Fairfax which was not in a position, admittedly as per the report of the Commission, as per the reports and statements of M/s Camatex and Du Pont, to supply any information to the Government. Even the American firms had refused to deal with Fairfax. In spite of all this, without taking into accounts the antecedents of Fairfax without informing the Indian Ambassador, we entered into an agreement. What did we do? Mr. Bhure Lal gives in writing to Du Pont: You want to give information, don't give it directly, give it through Fairfax. Why? Upto the 6th February, 11 days after V. P. Singh moved away from the Finance Ministry, there is no record. That is the time when the first noting is made. Later on, on 9th of March, the Revenue Secretary then makes a noting. And he casually—casually—takes the file to Mr. V. P. Singh. Mr. V. P. Singh has said that he was legally within his rights to ask for the file. Mr. Pande, the then Revenue Secretary, says: he casually took the file to Raksha Mantri—casually. There is a grave contradiction, inconsistency, between what Mr. V. P. Singh says and what Mr. Pande has said—that too, in his statement before the Commission: that he casual-

ly took the file and he retained the file and made his noting. Now he says that for two days he retained the file. And then he says, Mr. Pande had informed Mr. Brahm Dutt. But after taking the file without permission, the file was never requisitioned in writing. This *post facto* record is an afterthought. This is my charge. It is a cover-up of the real intentions as to what exactly was happening.

It is pertinent here again to mention what was happening in this country during that period. We should not be lost in the surface reading. Some of my colleagues have referred to it. In 1984-85 there was a meeting of the U.S. Conservative Party club in which Ms. Jeane Kirkpatrick, who was their Assistant Secretary in the United Nations said, that their political purpose would be best served with the balkanisation of India. It is a very serious matter. The same year India's then Prime Minister, Mrs. Indira Gandhi, is assassinated. Whose purpose was served by that? Who benefits? We all know Shri Rajiv Gandhi gets the mandate of Indian people. A few weeks after he takes over as Prime Minister, there is an article by one Pant Kreisberg in the 'American Review'. He was the former Station Director of CIA for South East Asia, at Delhi. He says: After Rajiv Gandhi, who? Three weeks after he becomes the Prime Minister? A couple of months after his own mother and the Prime Minister is assassinated? Where was the necessity or justification even for conducting this study? But they say: V. P. Singh is the man to watch. In January, 1985 in the official journal of the American Government this is written. Why? Later on we all know. On the one hand, this drama is going on. On the other hand, let me remind this House, we discussed the correspondence between a former CIA Director, William Casey, and the Heritage Foundation chief. That was, significantly again, November, 1986,

timing of the visit of Mr. Heishman, when they said that there will be a fusillade of charges in the coming months against the close aides of the Prime Minister of India and later against the Prime Minister himself. That would be the time to seize an opportunity and topple Rajiv Gandhi's Government! This was the plot. This was the conspiracy. And whatever is denied today by various statements is all a cover-up. Had that not been the case, why have these procedural things been made out? What are they saying today? They were not called or would have cross-examined the Prime Minister. My senior colleague, Mr. Bhandare, is here. I leave it to him to answer that question. But what I know is that the Commission was a fact-finding one. It has done its job well. It has exposed the murky dealings. It has exposed the evil nexus. It has proved beyond any shadow of doubt that Mr. V. P. Singh, by his conduct, is guilty of impropriety. He has violated the conduct of business rules of 1961. He has sheltered those officials who have connived with the CIA elements. The whole thing was prejudicial to the security of India.

Sir, I know that there is time constraint. May I, in view of what has been discussed and in view of the findings of this Commission, seek an assurance from the hon. Minister that in the light of the finding of the Commission, there will be proper action taken against Mr. Gurumurthy under the Official Secrets Act, against Mr. Goenka and against Nusli Wadia and that the passport of Mr. Nusli Wadia will be impounded? He should not leave the country till the prosecution is over. We should not allow the grandson of Jinnah who partitioned this country, to play this cruel game in this country. He is not an Indian national. We must also have an assurance that every possible care will be taken in future, as per the post-script referred

to by my friend, Mr. Bansal, of the Commission that there will be no recurrence of such things. We must not allow this to happen again. We must plug all the loopholes. We must identify all CIA moles which can compromise this nation's security and honour. With these words, I thank you.

SHRI JASWANT SINGH: Mr. Vice-Chairman, Sir, we have spent a considerable time in discussing the Thakkar-Natarajan Commission report. I am constrained to observe that little light has been shed on it. What is the core issue? I was going through the earlier Calling Attention Motion which was discussed in this very House and my eminent colleague had then mentioned that the core issue was, and still remains, that of economic offenders. I have heard many speeches. But so far the core issue has remained unanswered and it continues to remain unanswered. Since it remains unanswered therefore this Thakkar-Natarajan Commission or Fairfax Inquiry has turned out to be a monumentally unfair hoax. In the process, we have damaged very substantially, our nation's sense of propriety, fairplay and justice. That the Commissioners Thakkar and Natarajan ought to have conducted this enquiry in the manner that they did does not surprise me. It frightens me. It frightens me because having shed their role as Commissioners now, they have once again donned the robes of the High Justices of our Supreme Court. I am frightened because in the process of conducting an inquiry that was entrusted to them, they have revealed to us or given us an insight into their philosophy of jurisprudence. I am frightened because they have displayed, to my mind, a frightening lack of judicial propriety and rectitude and—I am constrained to observe—I am frightened at their blatant perversion of the high responsibility that had been entrusted to them in this Commission of Inquiry. It



[Shri Jaswant Singh]

is not a small point thereafter to mention that it is noteworthy that they have also in the process considerably damaged the use of English language.

Sir, in the interventions of the Treasury Benches that I have heard, broadly four points only have been made and one was a substantial point made by the hon. Minister of Law that a Commission of Inquiry is an inquisitorial but not a prosecutorial effort. Yet, in page after page of this Report, what we find is that without going through the prosecutorial part of it, having only inquisitorial powers, this Commission by innuendo, by insinuation, by suggestion has condemned, has sentenced and has, in fact, conducted itself as if it were a Bench entrusted with a responsibility which was prosecutorial. Sir, I do not want to go into an involved discussion on Section 5A or Section 8B or Section 8C. I had asked the hon. Minister of Law to explain to me that no doubt the Commission of Inquiry is empowered to frame its own rules but is it empowered to frame rules which are in violation of the Commissions of Inquiry Act? That is number one. Secondly, is it not a fact that Sections 8B and 8C of the Commissions of Inquiry Act are mandatory sections, that it is not for the Commission to determine as to when Sections 8B and 8C will come into play because, as the Delhi High Court in a very famous judgment has itself ruled "an inquiry under the Commissions of Inquiry Act is a continuous process."

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** (Maharashtra): Which is the judgment?

**SHRI JASWANT SINGH**: To the best of my knowledge it is 80 ULR-Delhi-837/4/835. It is, perhaps a case I am citing

**SHRI MURLIDHAR CHANDRAKANT BHANDARE**: Don't feel shy.

**SHRI JASWANT SINGH**. I am not feeling shy. If I knew I would tell you. I am not a lawyer. Therefore, I do not know. Would you tell me what this case refers to? So, Sir, this judgment has categorically said that an inquiry under the Commission of Inquiry Act is one continuous proceeding, and there are no two stages. All provisions of the Act, including Sections 8B and 8C must, therefore, apply from the moment it starts. The point in citing this judgment is that if Members whose reputations were likely to be affected were denied the provisions of Sections 8B and 8C of leading evidence, of examining the witnesses, etc., then, I would submit, Sir, that one of the fundamental tenets of law, of justice and of equality under law was flouted. And because that was flouted, all this subsequent wrong, therefore, has taken place. The other point that was made, again by the Minister of Law, my esteemed colleague, was that in the matter of constructive responsibility, because the then Finance Minister had the portfolio of Finance as his responsibility, therefore, he also had constructive responsibility for whatever his officers did. He was good enough to admit however, that this constructive responsibility spreads to the whole Cabinet. Therefore, if the Minister of Finance can be faulted for not having been in knowledge of what his officers were doing, within the Ministry of Finance, then certainly that constructive responsibility spreads to the entire Cabinet as well, and certainly the Prime Minister also has to be faulted for not having known what a senior Minister, who was described here by the hon. Minister of Law as his No. 2 man, was doing. So far nobody has explained to me how the aspect of constructive responsibility can be telescoped or focussed to apply only to a single individual and not to the collectivity of the Cabinet. Sir the third aspect which worries me is this trial by voice. We have witnessed since 4 O'clock this evening

an attempt to judge issues by volume, not by reason. And I am distressed more that we ought to be judging issues which are really issues between two business-houses. I am constrained to observe that the Government, whether by intent or not, certainly by its conduct has conveyed an impression, in public at large as if it were protective of one and destructive of the other. The Government or those of us who have the honour to sit in this House can neither be lobbyists nor protectors of one business house or another. Therefore, it does not lie in the Treasury Benches now to malign one and to eulogize the other. It is for these reasons, Sir, having read this otherwise unreadable document that I came to the conclusion that Commissioners Thakkar and Natarajan have violated the statute under which they were, in fact, obliged to function. They have in my view flouted settled law and precedent. They have suppressed facts as was evidenced by earlier interventions. They have prevented witnesses from giving evidence. Where witnesses had given evidence they have nevertheless, engaged themselves in perverse deductions and they have smeared reputation, without hearing.

Sir, the first 90 pages of this report, chapters 1 to 7, to my mind are hopelessly pathetic mervings about self-inflicted wounds. Pages 75-76, to which a number of Members have referred are monumentally irrelevant. There is quotation therefrom what Pope John says. At page 77 there is a quotation from a famous Tamil poet about the fact that the wounds caused by burns may heal but that wounds caused by slanderous words will never heal. I do think so, Sir, that the two Commissioners did not reflect deeply on what they were quoting because there is a sense of perhaps, undisguised irony that they were themselves commenting on this whole document of nearly 300 pages,

which is nothing else but a slanderous onslaught on a number of people. Assuming for a moment that we were to say that whatever Commissioners Thakkar and Natarajan have said is correct then this is how intelligence, economic intelligence would have to be gathered; one would then be led to believe that the procedure that we would be advocating, to be adopted by the Government of India would be somewhat as follows. That, first of all, the Cabinet, and if not the Cabinet, certainly the Prime Minister, would have to take a decision that so and so an informer must be recruited, and having so decided, then that would have to be minuted, that minute then must not be kept with the Minister or the officer concerned, that minute would be required to be kept in the files outside properly diarised and should any informer come to give information, then Commissioners Thakkar and Natarajan would want that that informer must not be met at a place where his identity is secure. He must be met after a due pass is obtained, by that informer, at the reception counter of the Finance Ministry, where he must inform that he is coming to give information about so and so, and go through all the procedures to be followed and whatever he says must then be minuted and circulated. I am appalled not only at the extreme naivety of what the Commissioners, Thakkar and Natarajan have said, but also that important friends from the Treasury Benches should also be extolling this method. This is new for how the Government to function. This is not a way or manner in which any Government can possibly function. Commissioners Thakkar and Natarajan have, at a number of places, objected to what they choose to call 'cloak and dagger method'. I recall vividly the way the Hon. Chief Justice of the Supreme Court, before the Commission started its enquiries, made a public announcement that this Commission of Inquiry will firstly be public, and

[Shri Jaswant Singh]

secondly, it will hold its sittings in the Supreme Court. Commissioners Thakkar and Natarajan have devoted many pages to the question of housing shortage in Delhi, and because of this housing shortage in Delhi, they were not able to find proper office premises etc; whereas it remains a fact—and Justice Baharul Islam will correct me on that—that court No 9 in the Supreme Court remained vacant all through. In fact, when they choose finally, to come to Supreme Court to hear the public part of this hearing, they sat in court No 9. So, what was the problem? Commissioners Thakkar and Natarajan could have utilised the premises of court No. 9 of the Supreme Court and proceedings could have started straightaway, instead of devoting 20.30 pages on the housing shortage in Delhi, and because of that, they came to the conclusion that they did not meet with sufficient cooperation. Commissioners Thakkar and Natarajan have talked of “cloak and dagger method” yet, they themselves, for months on end, adopted a cloak and dagger method. The Commission of Inquiry was for a public purpose and to establish a public wrong. Indeed, my esteemed colleague Shri Lal K Advaniji is quite right when he reminded me that from the very beginning we were opposed to the establishment of this Commission of Inquiry. We kept on saying that this Commission of Inquiry serves no purpose and it is something that can be done by merely a section head. Do not engage. Do not involve Justices of the Supreme Court on what is after all a matter which is political; do not politicise them. We consistently opposed it. We still hold to the view that it was a wrong step, and because it was a wrong step, you have now to come out with wrong results. Many speakers and indeed, Commissioners Thakkar and Natarajan themselves have attempted to be eloquent on this theory of destab-

bilisation, national security, etc. I do crave your indulgence to quote from their purple prose:

“The Commission would have preferred to avoid expressing any views on this sensitive subject if it could have been avoided. But the Commission cannot do so without avoiding to deal with the matters which are included in the terms of reference. Such being the case, the Commission considers it appropriate to deal with this dimension but to tread warily (or warily) on the path. And to keep aglow the red light of caution flashing the message to be as discreet as possible by restricting the discussion within...”

This is not where it ends. I am sure my friends on the Treasury Benches will be delighted with what Commissioners Thakkar and Natarajan thereafter have to say. There is a whole thesis on non-alignment, of which the most illustrative and effective passage is as follows:

“As is well-known India is a nation which genuinely is non-aligned. India has constantly professed its allegiance to non-alignment since the time of Panchsheel of which the first Prime Minister of India, late Pandit Jawaharlal Nehru was one of the main architects.”

I am appalled at the ignorance of the chronology of it. Panch Sheel was a child of the Seminal thought of non-alignment. Non-alignment did not flow out of Panch Sheel as Commissioners Thakkar and Natarajan would have us believe. One more passage of some interest, because it is at the end of this thesis running into pages after pages, that Commissioners Thakkar and Natarajan conclude that India has been destabilised and our security affected. They say:

“When the personality of the leaders of the political party in

power of leaders who are at the helm of affairs of the administration is besmeared.

something is wrong with the grammar here—

and a duststorm is raised by recourse to disinformation, the leadership would not be in a position to act with firmness...

When the rider of the horse is engaged in keeping the unruly horse under control till the storm blows over he cannot take the horse to the desired direction or make the horse take the rider to the destination"

My colleague is right again. It is not a question of mixed metaphors; it is a question of muddled metaphors. More than that what frightens me is that Commissioners Thakkar and Natarajan display monumental ignorance of political realities. Political reality is one thing. They display monumental ignorance about a very noble animal, the horse; indeed, about horsemanship. Why? therefore, they should have ventured into this realm of equestrianism when they were debating aspects like national destabilisation. I cannot quite fathom. Having talked about horsemanship and about horses wandering off into duststorm, how have they come to the conclusion that because horses have wandered off into a duststorm, the nation has been destabilised. I cannot quite connect the logic. Sir, time has by now far into the night. You have already rung the bell, I do want to ask the treasury benches. Do Commissioners Thakkar and Natarajan, and do my friends on the treasury benches seriously think, are they seriously trying to convince the people, that India is in the same league as some banana republic up for grabs by some so-called destabiliser Hershman or somebody else who have after all, not been given

any information, not given any money? He was to give us information, he has not given that information and yet the country has been destabilised! I do not know what is the supreme objective for which this Government is prepared to look as though it were running a second-rate Police State enthused equally with illiberalism and incompetence and of that incompetence and illiberalism if we were to find an example, search for an example, this report by Commissioners Thakkar and Natarajan would be a prime example. I cannot commend this report to Parliament, leave alone support it. Thank you.

SHRI MURLIDHAR CHANDRAKANT BHANDARE. Mr Vice-Chairman, Sir, I rise late in the evening—of course I am happy to find that the Members are very attentive and the speakers have not lost their energy or stamina—to speak on this very very important subject; the report on the Fairfax Group. I will do my best to avoid repetition. Ordinarily, I do not believe in discussing personalities. I would like this House to discuss issues and this is what I propose to do. There are issues which concern the institution of judges. There are issues which concern the institution of Government. There are issues which concern the institution of Press. I will really try to put my brief speech into these three major issues which arise. At the outset as one who has been a lawyer throughout his life, starting as a penniless and a friendless member of the bar and fortunately risen to this position I have always held the judiciary in the highest of esteem. That is one organ which the fathers of our Constitution said is the heart and soul of our democracy because it is through judicial review and judicial superintendence that we maintain the rule of law which is the very bedrock of our

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society. It is, therefore, a matter of regret and almost a matter of shame that there should be diatribes like the one we have heard from the first speech of my very esteemed and venerated friend, hon. Shri V. P. Singh. I do not think in this House I have said about anyone else as much as I have said for Mr. V. P. Singh. I think two good things happened at the end of 1984. India got the finest and the most honest Prime Minister Rajiv Gandhi. I also felt that he was equally lucky in having a Finance Minister, rightly said as No. 2 in the Cabinet, who could pursue with vigour, dynamism, with all zealousness the policies of this Government to root out all corruption, to go against blackmarketeers to go against smugglers, to go against FERA violators.

SHRI VITHALBHAI MOTIRAM PATEL: Not against smugglers.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I will come to that. From the day I have come here or from outside I have always pursued these things because these are the evils which must be removed from our society. Therefore, I have given unstinted support to whatever actions that were taken by the Government and Mr. V. P. Singh, though I had always felt that those actions were not enough, were not taken to their logical conclusion. It is, therefore, quite surprising to find that in the first instance suggests that he wants a Commission of Inquiry to settle the issue though I have my own reservation; I feel that this was not the matter that only for two pieces of paper on the file a Commission of Inquiry should be appointed. Then he wanted a sitting Supreme Court Judge to constitute a Commission of Inquiry, and with all that he has the impunity to tell us that Mr. Shiv Shanker scanned the list of Judges to find out who were not favourable

and decided upon who were favourable. I can only say that if this is what Mr. V. P. Singh feels, I hang my neck in shame. If I were in his place, I would have that day resigned saying that you are not appointing an impartial Commission of Inquiry. But he knew that it was not in the hands of Mr. Shiv Shanker or Mr. Bhandwaj to appoint a Commission of Inquiry. Under our law, under the Commissions of Inquiry Act under our Constitution and under the precedents, it is only the Chief Justice of India who will, in the first instance, agree to spare the Judges. Personally, I am against the sitting Judges being appointed to the Commissions of Inquiry for the simple reason that when there are arrears for years, for a decade or two decades, in the Supreme Court, when there are no adequate number of Judges, taking away two Judges means a colossal backlog to accumulate. Therefore, I am against this. Secondly, it is thankless job. The Judges in the very nature of their occupation cannot defend themselves. And right from the word 'go', before it was announced, you find them saying, well, this is pre-determined. When I come to the institution of the press, I will deal with this aspect. It is a very serious aspect because we are not respecting institutions. I know Mr. V. P. Singh has several complaints. I will come to them in half a minute. I did not want to go into the merits of it. I wanted to point out that the Chief Justice of India, Justice Pathak, is known to be one of the most impartial and honest Judges. And what did he do? When he was asked for one Judge he said, "No, in a sensitive matter like this I will not give you one Judge; I will give you two Judges. Let it not be said that this one Judge went this way or that way". But in spite of the fact that the appointment or choice was made by the Chief Justice, that in this case unprecedentedly for the first time in history, two sitting Judges of the Sup-

reme Court were appointed, these sorts of allegations are made of bias, of prejudice. I think something is wrong with our institutions somewhere I will come to that in a minute. Therefore let me say one thing out of this Commission—never again appoint sitting Supreme Court Judges on the commission.

SHRI BAHARUL ISLAM: Nor High Court Judges.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Get retired Judges or get somebody else. But I am against appointing sitting Judges. After all, they do not come here for invitation. It was the House which wanted it. It was the Prime Minister who announced it. It was Mr. V. P. Singh who wanted it. And when we go to the Chief Justice, he spares two Judges. And this is what they get in return! Therefore I enter a very very strong caveat. If the independence of judiciary does not remain, as I told my friend, Mr. Arun Shourie, the other day when he came to witness the proceedings of Thakkar-Natarajan Commission that you are attacking this institution of the Supreme Court, but when this institution is destroyed and the faith of the people is lost in this institution, there will be no freedom of press available also. With this institution, all liberties, all freedoms will die. And it is for the preservation protection promotion and enhancement of these rights and liberties that I rise today. It is true we attack judgements. In the very nature of things judgements are meant to be discussed; they are meant to be criticised. Some Judges receive bouquets, some Judges receive brickbats. But that is an occupational hazard. But that type of criticism must be constructive, that type of criticism must be healthy will not hurt the institution. Today in a deliberate design, right from the word 'go', right from the day it was appointed, the whole orchestra is on to condemn the Commission.

Now I come to the other part of it. you have grievances. The hon. Member, Mr. V. P. Singh, has cited three grievances. He said that he had made an application for inspection. That was promised but he was not given the chance. He has put two more grievances. Hon'ble Member, Mr. Jaswant Singh, has made the grievance that for some time they met in camera. Now the whole thing is explained that they did not meet in camera. There is a world of difference between a court and a commission of inquiry. In court, you have the adversary proceedings. In a commission you have the investigative or inquisitorial proceedings. In a commission of inquiry, there is no binding report, it has no force proprio vigore, but in a court it is binding and you can execute it. There are other major differences. For example in Shah Commission we know how the whole of CBI used to go and intimidate the witnesses and force them to say whatever they liked. Only Indiraji could not be intimidated. She paid the price for it. And she knew that Shah Commission was entirely wrong and she chose the course which is open to every citizen—"don't go outside the law". I am telling this to Government. I am telling the Opposition and I am telling the press: Please do not act outside the law; if you have grievances against any Commission of Inquiry either as regards the procedure or a default they may have committed, you can always go and challenge it. The Shah Commission was torn to pieces. Mr. Jaswant Singh was not willing to give the name of the case, but it was Shrimati Indira Gandhi versus Shri J. C. Shah a case which he cited. I know, in those days when Justice Thakkar and Justice Natarajan started some proceedings, because they did not have an office, on the front page an eminent and dear friend of mine gave his opinion that it was bad. At that time I told a couple of my friends, "If this is bad why don't you go to a court of law and chal-

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lenge it?" But they do not want to challenge; they do not want to have an institutional approach at all. They say this is trial by Commission, but they will continue with trial by press. Justice Thakkar and Justice Natarajan have also elaborately given the reasons why they have chosen one court and not adopted the other. It must rest in the realm of judicial scrutiny and whatever grievances one may have, it is not proper for us, without availing of the remedy that is available in law, to go on denigrating Justice Thakkar and Justice Natarajan, particularly in this House and in the press.

Then I come to the question of collective responsibility. One thing has come. It is unprecedented. The issue was not whether Mr. V. P. Singh was guilty or not, whether Mr. Bhure Lal was guilty or not. The only issue was in regard to a cause which is dear to my heart and in regard to which there can be no two opinions namely, for bringing back the stashed money, is it permissible to have a private detective agency? The answer has been in the negative. Right from the beginning it was in the negative. Even today, I was listening very carefully to what Mr. V. P. Singh said, and he could not defend his action of engaging Fairfax without checking their antecedents. In fact, the whole report and today's speech makes it very clear. I have high regard for him because he has stood by the officers whom he considers to be honest. I am not going to say anything about the honesty of those officers either. But he has admitted that he knew nothing, absolutely nothing. You read. And as I said, he, like a good Minister, accepted and owned the responsibility. On that, honourable Mr. Jaswant Singh made an argument, which I must meet. He said that if it is the responsibility of the officers which falls on the Minister then it must also, automatically, be on a principle of "constructive res-

pensibility" as he used it or, as it is known in parliamentary parlance, "collective responsibility" must rest also with the Prime Minister and the Cabinet. The answer to this must be in the negative, and I will quote Jennings from his Cabinet Government, third edition. Under Collective Responsibility it says:

"It is only on the principle that absolute responsibility is undertaken by every member of the Cabinet who, after a decision is arrived at, —and not till then— remains a member of it, that the joint responsibility of Ministers to Parliament can be upheld, and one of the most essential principles of parliamentary responsibility established."

Therefore, for collective responsibility, what must be necessary to bind one and all is a collective decision—which is not there at all. Admittedly it is not there. As regards the Prime Minister, I will just point out two more sentences:

"Again, a Government does not accept responsibility for a personal mistake by a minister."

It further says:

"But they show, also, that the Government does not accept responsibility for an error of judgment or bad administration by one of its members. The process of government compels a delegation of authority. The Cabinet must leave to each minister a substantial discretion as to what matters he will bring before it. If he makes a mistake, then he must accept personal responsibility. On the other hand, a minister cannot hide behind the error of a subordinate. Within a department there must be substantial delegation of power, but the most essential characteristic of the civil service is the responsibility of the minister for every act done in his department. In practice, the minister can hardly avoid saying that the mistake was

that of a subordinate, but Parliament censures the minister and not the subordinate."

This is the correct principle. I am glad that Mr. V. P. Singh has owned it. He cannot get a way from what I may call not only a mistake, not only an error, but a blunder.

One more aspect is, right from the beginning I do not like, as I have said here on the floor of this House, and I am repeating it. When this Fairfax controversy was not there, I said, I did not like commercial interests overtaking political interests. In a dog-eat-dog fight between two commercial houses, I find that all institutions are seized. I did not realise the gravity of it. But when I read this, I am aghast. Was it Mr. V. P. Singh who was the Finance Minister? Was it Mr. Bhure Lal who was the Director of Enforcement? Or was it Mr. Gurumurthy or Mr. Goenka or Mr. Nusli Wadia? At least for that purpose, were they running the Ministry? I did not like because in both the Houses questions used to come, Calling Attentions used to come. I went to the Speaker, Mr. Jhakar. I went to our Chairman and also spoke to Mr. V. P. Singh who was then the Leader of the House, that this had got into a lobbying business. I did not like Parliament being seized of the matter. I must say that thereafter everyone was firm, and this lobbying business stopped. Right from the beginning twenty-five articles have been written. I hold no brief. If anybody is guilty, he must be punished. From what Mr. V. P. told here and what is known to us because we try to read in our own way the article, (Time bell rings) two minutes

In the dog-eat-dog fight between two commercial houses, not for a patriotic fervour not for any nationalistic spirit, but only for a private interest and personal vendetta, they had caught hold of this. Nobody is against. I want an assurance from

the Minister today that he will not relent, that he will not give up the attack on these evil forces and get the money. I don't believe that this is the solution. I think, just as you have to take the assistance of international agencies like the Interpol...

**SHRI VITHALBHAI MOTIRAM PATEL:** Mr. Bhandare one minute. How many cases are there against Goenka? Who saved him? The judiciary. Otherwise, he will be in the jail. He is attacking the judiciary.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE:** You are quite right. When it disappears, all freedoms and liberties will disappear. The point which I am making is this. I want you to take a lead. For narcotics we can have the Interpol. For smuggling of gold we can have Interpol. I want to go to all the countries and tell them that when it comes to cheating on foreign exchange, it is as bad as depriving a country of very essential drugs, life-saving drugs. It is as bad as that. It affects our independence. It affects our development. I think we can evolve some sort of a protocol where we can get them.

Now, only two minutes I will take on secrecy and open house. Somebody asked me, "Well, I have a genuine complaint. Can I go and meet Mr. V. P. Singh?" I said, "most certainly." He was quite surprised that I could promise to take him. He said, "when do you take?" I said, "don't worry." At 3.30 p.m. on a Tuesday you go to the Open House and Mr. V. P. Singh will see you. It is therefore a matter of regret that one who believes in open and relaxed approach should today talk of intelligence always being a cloak and dagger affair. I cannot believe that the most sensitive of the cases dealing with even the terrorists, dealing even



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with smugglers are without files I wish Mr. Buta Singh or Mr. Chidambaram were here to enlighten us that even a man can be shot down without a file and it can be said that this was a cloak and dagger affair, a very high and sophisticated intelligence made. I think nothing could have prevented as Justice Thakkar and Natarajan had pointed out to keep the file of Mr. Bhure Lal under lock and key. Nobody could have been able to pick the keys from his pocket. It is a matter of regret that the means which are as important—because the Father of the Nation, Gandhi Ji, said that means are as important as the ends—were totally discarded.

I will only refer to the PM's statement which has been made. He said that no paper existed to show that the Government had knowledge in the first place about the hiring or appointing of Fairfax. That is true. He did not know anything. At that time we were prepared, as we ought to, in this House to back up Mr. V. P. Singh and back up the Government along with Mr. V. P. Singh and as the leader of the Party, the Prime Minister was only trying to do his duty to his colleagues. This is what is really surprising.

Sir I do not want to take more of your time, but if this is true that Reliance has imported twelve instead of eight and power plant for which there was no import licence. I think one really does not have to go there. You take his licence which shows eight. You physically check up if there are twelve and you ask him. From there you proceed further. But at this stage I can only say that this trial by Press, this trial by calumny, this trial by disinformation on the part of a newspaper—at some stage I used to like it because it was an Opposition news-

paper and I like something which is critical of me, because what people say against me. I like even better than what they say in my favour. But unfortunately today it has become only a BJP paper. And in the context of what has happened and many have said, I have no doubt of saying: But if anything is abused and abused in our country, it is also the freedom of the Press for a very very selfish, a very very partisan and a very very sectarian and small gain. (Interruptions) Therefore, we will talk about the freedom of the Press, not the freedom of the proprietor, not the freedom from laws. Everybody should be subjected to the same laws where writers, readers and journalists will enjoy the freedom and not the proprietor.

With that I end my speech by saying that this work will not go waste. Those who have to say anything against, for them the forum is a court of law, but I want a positive assurance at the end of this discussion that we will devise new, more effective and more stringent means of getting back the foreign money, which is being taken away. Our battle will be relentless and we will not rest till we punish the guilty.

**श्री राम अवधेश सिंह :** माननीय उप-सभाध्यक्ष जी, जिस सत्र में फेयरफैक्स का सवाल उठा था और जिस बिंदु से इसकी शुरुआत हुई थी और जिस संदर्भ पर आकर इसका अंत हो रहा है, इन दोनों छोरों को देखने से लगता है कि जहां से शुरुआत हुई थी उसके ठीक विपरीत दिशा में यह चल रहा है। महोदय, जिस समय यह सवाल सदन में उठा, और अखबारों के जरिए देश में उठा और जनता तक गया और जब फेयरफैक्स कमीशन की नियुक्ति होने लगी तो एक भारी आकांक्षा जनता के मन में जगी थी कि शायद देश के भारी चोरों को पकड़ा जाए। लेकिन रोबोटों को पकड़ा जाएगा। इस कमीशन की नियुक्ति के साथ इस आशा का संचार हुआ था।

लेकिन जो नतीजा यह आया है उसमें लाना है कि हम दूसरे नतीजे पर पहुंच गए। आनेवाली पीढ़ी अगर मांगे संदर्भ को अपने सामने रखेगी जहां से फेयर फैक्स के सवाल को शुरूआत हुई और जिस संदर्भ में आज वद्वन हो रही है तो इन तमाम संदर्भों को आने वाली देखेगी, पढ़ेगी तो इस पीढ़ी पर, इस सदन पर और यहां की न्याय-पालिका के सदस्यों पर जो कमीशन के मंचवर वने, कमिशनर वो उन पर गुस्सा करेगी। साधारण गुस्सा नहीं करेगी, आने वाली पीढ़ी पर भारी गुस्सा होगा कि चोगे को बचाने के लिए किस तरह से कमीशन ने अपना काम किया और सरकार ने उस कमीशन के जरिए काम कराया।

महोदय, मुझे एक किस्सा याद आता है कि एक आदमखोर बाघ था वह आदमियों को खाता था उसमें जनता परेशान थी। उसको मारने के लिए एक आदमी बंदूक लेकर जा रहा था। बीच में उसने कुछ कुत्तों को ललकार दिया और वे कुत्ते उसको रोकने लगे। जब वह कुत्तों के भोकने से रुका तो लोग जुट गए और जिन लोगों ने उस आदमखोर बाघ को मारा था और विरोधियों को खाने के लिए मारा था, लोग आकर बहस करने लगे कि तुम कहा जा रहे हो? तो उसने कहा कि मैं इस बंदूक से उस बाघ को मारने जा रहा हूं। लोगों ने कहा कि पहले यह बताओ कि यह बंदूक देसी है या विदेशी है। तो वह बंदूक पर होने लगी। वह जा रहा था आदमखोर बाघ को मारने और बहस होने लगी बंदूक पर। उसी तरह में यहां भी बहस हो रही है। कि वह आदमी किस बंदूक से मार रहा है। ये जो राष्ट्रद्रोही है जो देश का पैसा लूटकर विदेशों में जमा कर रहे हैं, राष्ट्र की अर्थ-व्यवस्था को कमजोर कर रहे हैं, इन गद्दारों के खिलाफ जो हथियार उठाने जा रहा था, तो यहां बहस यह होने लगी कि यह बंदूक देसी है या विदेशी है। कमबख्त, हम इसमें क्या काम कर रहे हैं? हम चोर को पकड़ने का काम कर रहे हैं या साधु को पकड़ने का काम कर रहे हैं? तो इस तरह की बेमतलब बहस इसमें शुरू की गई।

महोदय, मैं आपको बताऊं कि सारी बहस केवल तीन बिन्दुओं पर है। ये पेज 175, 176 और 177 पर अंकित है। इसमें दिए गए 8 बिन्दुओं को मैंने 3 बिन्दुओं में बदल दिया। आप समय देंगे तो हर एक बिन्दु को मैं बता दूंगा। आप थोड़ा समय दीजिए...

उपसभाध्यक्ष (श्री हेच हनुमन्तप्पा): संक्षेप की बोल दीजिए।

श्री राम अवधेश सिंह : 8 बिन्दुओं को मैंने 3 कर दिया है। पहला सवाल है कि यह पार्लिसी डिसीजन है कि नहीं। यही सवाल उठाया है नटराजन-ठक्कर कमीशन ने कि जो प्राइवेट एजेंसी जांच करने के लिए ली गई, वह पार्लिसी डिसीजन है कि नहीं? इस पार्लिसी डिसीजन में कॅबिनेट की और प्राइम मिनिस्टर की राय नहीं ली गयी। मैं यह कहना चाहता हूं कि पार्लिसी डिसीजन है या नहीं इस पर बहस हो जानी चाहिए। अगर इस तरह के डिसीजन पहले हुए हैं और इस तरह के डिसीजन में प्राइवेट एजेंसीज की सेवाएं ली गयी हैं जैसे महारानी गांधी के जेवर जब्त कराने के लिए, उनका लाकर जब्त कराने के लिए प्राइवेट एजेंसीज का सहारा लिया गया विदेश में तो यह पार्लिसी डिसीजन एक बार हो गया तब यह स्टीम बर्क हो जायेगा। जब स्टीम बर्क हो जायेगा तब कोई अफसर इस बात के लिए आज्ञा दे हो जायेगा कि जिस तरह से उस चोर को पकड़े। मान लीजिए इन्टरनल सेक्टर है, अपने देश के अंदर ही आई जी को पावर है कि किसी अपराधी को पकड़ने के लिए प्राइवेट सीआईडी भी लगाये और सरकारी सीआईडी भी लगाये। आपको पता है अनन्का उटेडमनी देश में रहती है। इसको बताया नहीं जाता है और प्राइवेट एजेंसी को लगाना है किमिनल को पकड़ना है। यह उसके अधिकार क्षेत्र में है इसके लिए वह पूछेगा नहीं। प्राइम मिनिस्टर ने नहीं पूछेगा, चीफ मिनिस्टर से नहीं पूछेगा, मंत्री से नहीं पूछेगा क्योंकि यह आई० जी० के अधिकार

[श्री राम अवधेश सिंह]

शेव न है। आयरैक्टर आफ इन्फोर्समेंट के आर प्रिन्सिपल जेल में है कि देश के बहर जो हमारा बन जा रहा है, फेरा का वायरैक्टर है, उन नाम लोगों को पकड़ने का अधिकार है और अगर वह उसके अधिकार क्षेत्र में आता है तो वित्त मंत्री के पूछे हुए मां डीन बर्त में वह उसको पकड़ने के लिए कोई भी उपाय कर सकता है।

दूसरा मामला नेशनल सेमिनारिटी का है। इसी विषय पर मारी वहस आकर रुक गयो कि नेशनल सेमिनारिटी डेजर में है क्योंकि हर्बमैन पुराना सी आई० ए० अगर वो है डमनिय हमारी राष्ट्रीय सुरक्षा खतरे में है। इसी पर वहस चल रही है और सारे जवाब के तीर इसी वच में छिप गए हैं रेजरी बैंक के। इसी क्लब का सहारा लेकर, इसी डाल का सहारा लेकर अपने दाग को सरकारी पक्ष पोंछना चाहता है। इसी एक बिंदु को लेकर अपने चेहरे पर जितने दाग है, बदनुमा दाग है परकारी पक्ष उसको ओत न होता है, साफ करना चाहता है। मैं पूछना चाहता हूँ कि ऐसे चोरा को पकड़ने के लिए जो उपाय दिये गये उसने राष्ट्रीय सुरक्षा कहां खतरे में पड़ती है। अगर हम उसको कोई सूचना दें तो अलग बात है। जो हमारे देश का पैसा बहर ले जा रहा है, अगर यह सूचना वह देता है तो इससे राष्ट्रीय सुरक्षा कहां खतरे में पड़ती है। हां, अगर हम ऐसी कोई सूचना देते हैं, अपने डिफेंस के बारे में सूचना देते हैं, अपने आर्म्स के बारे में सूचना देते हैं तो खतरे की बात हो सकती है। लेकिन उन लोगों में खतरा है जो यहां का पैसा चुरा कर विदेश में ले जाते हैं और उसका दुरुपयोग करते तरह-तरह से। उससे राष्ट्रीय सुरक्षा खतरे में पड़ती है। तीसरा प्वाइंट यह है

...

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा) :  
संक्षेप में कहिये।

श्री राम अवधेश सिंह: अभी तो मैं सात मिनट हूँ बोल रहा हूँ।

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा) :  
दस मिनट हो गये। लास्ट प्वाइंट कहिये।

श्री राम अवधेश सिंह: दूसरो को आपने 20 मिनट तक बोलने दिया और हम को सात मिनट में ही घटी बजा रहे हैं।

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा) :  
अगर कानून पर अयेगे तो आपके तीन मिनट ही हैं और आपने 10 मिनट ले लिये।

श्रीराम अवधेश सिंह : आपने दूसरों को 20-25 मिनट दिये। हमको थोड़ा बोलने दीजिए।

उपसभाध्यक्ष (श्री हेच० हनुमन्तप्पा) :  
लास्ट प्वाइंट कहिये।

श्री राम अवधेश सिंह: ट्रांजेक्शन आफ बिजनेस रूल की बात उठी। ट्रांजेक्शन आफ बिजनेस रूल में यह कहा गया है कि फाइल श्री वी पी० सिंह को जब फाइनेंस मिनिस्टर नहीं है तो डिफेंस मिनिस्टर की हैसियत से मराने का हक नहीं है। फिर कहा गया कि दो दिन तक रोकने का हक नहीं है। इसलिए मैं कहता हूँ कि यह जो ट्रांजेक्शन आफ बिजनेस रूल है, इनकी वेलिस्टी पर प्रश्न चिन्ह लगता है। श्री भंडारे जी ने कनैक्टिव रिस्प सिविलिटी की बात सदन में कही। हमारे संविधान में इसका प्रोविजन है। अगर हमारे देश में कनैक्टिव रिस्प सिविलिटी है तो उस हालत में क्या एक मंत्री दूसरे विभाग की फाइल नहीं मंगा सकता है? मैं समझता हूँ कि मंगा सकता है... (व्यवधान)। श्री वी पी सिंह ने डम जिम्मेदारों को ओत किया है कि मैंने बरक्ल आर्डर दिये थे। जब उन्होंने जवाबदेही को स्वीकार कर लिया है तो डमकमीशन को उनको बधाई देनी चाहिए थी। उन्होंने सोचा कि अफसर फंस न जाय, इसलिए उन्होंने जिम्मेदारी अपने ऊपर ले ली। इसके लिए

श्री बी पी सिंह को कमीशन ने बधाई देनी चाहिए थी। इसलिए मैं यह कहना चाहता हूँ कि ट्रिजेक्शन आफ बिजनेस का कमीशन ने जो उल्लेख किया है वह संविधान के प्रोविजन्स के खिलाफ है।

SHRI K VASUDEVA PANICKER:  
Mr Pande was threatening Mr. V. P. Singh that Mr. Pande would expose Mr. V P. Singh Fearing that Mr V. P. Singh signed on that post facto.

श्री राम अवधेश सिंह : श्री पणिकर जी, आप आफ दी रिकार्ड बोल रहे हैं। आप मेरी बात सुनिये। जो बात आप कह रहे हैं, वह रिकार्ड में आ चुकी है। आप फालतू बात कर रहे हैं। सबसे बड़ी बात यह है कि मैं कमीशन की सेविटटी के बारे में कहना चाहता हूँ। किसी भी जम्हूरियत वाले देश में आज तक इतिहास में ऐसा नहीं हुआ कि इस प्रकार के कमीशन कैमरा में जाच करे। जहाँ कैमरा में कमीशन जाच करता है वहाँ न्याय-पालिका की गर्दन काट दी जाती है। इसलिए अंतिम बात मैं यह कहना चाहता हूँ कि कमीशन ने खुद ही अपनी रिपोर्ट में यह बात कहा है। मैं इसको सदन में पढ़ना चाहता हूँ। इस कमीशन की रिपोर्ट में कहा गया है राजीव गांधी की सरकार कितनी निष्कम्मी है, इसको इस कमीशन ने कहा है। मैं कमीशन के शब्दों को पढ़ रहा हूँ --

"All these questions which clamour for serious attention from the point of view of the functioning of the Central Government and from the perspective of the national interest. All these questions cannot be tackled by the Commission having regard to the scope of the terms of reference."

कमीशन ने कहा है कि हमारे पंख काट दिये गये। यह बात टर्म्स आफ रेफरन्स में दी गई है। कमीशन ने कहा है कि हम चोरों के बारे में नहीं बोलना चाहते हैं। कमीशन ने अपने आप यह बात कही है। उसके अपने टर्म्स ऐसे रखे हैं जिससे कमीशन लाचार है, वह बंध गया है।

... (व्यवधान)... सरकार के खिलाफ यह एक स्ट्रक्चर है। इससे बढ़कर सरकार के खिलाफ कोई स्ट्रक्चर ही नहीं सकता। अगर पता नहीं है तो मैं फिर से दोहरा दू।

उपसभाध्यक्ष (श्री हेच - हनुमन्तप्पा) : नहीं, नहीं, जरूरत नहीं।

श्री राम अवधेश सिंह : लास्ट में मैं पढ़ रहा हूँ।

"All these questions cannot be tackled by the Commission having regard to the scope of the terms of reference. These vital questions, therefore, require to be tackled at the level of Central Government in order to ensure that such an embarrassing situation is not created in future and national interest is not jeopardized."

महोदय, इन सारे तथ्यों की रोशनी में और जब हाउस में इस बात का स्वीकार कर लिया गया कि जो अरेजमेंट था उसमें मैं सटिस्फाई हूँ और प्रधान मंत्री ने लोबसभा में कहा कि भूतपूर्व वित्त मंत्री ने जिस प्रकार की इजाजत दी वह बिल्कुल सही थी जब यह बात संसद में आपकी सरकार ने यह दी तो उसके बाद मैं नहीं समझता कि अब उन चीजों का तिल का ताड़ बन जा जाये और आप अपने काले चेहरे से उस डाग को पोछने की कोशिश करे। हमसे दाग छूटने वाला नहीं है। देश की जनता की आंखें इधर लगी हुई हैं, देश की जनता इधर अपने कान लगाये हुए है। जनता देख रही है कि चोरों को बचाने वाली हुकूमत इस कमीशन का सहारा ले रही है। कमीशन खुद रो रहा है कि हमको कोई अधिकार नहीं दिया। हमको टर्म्स आफ रेफरन्स ऐसा दिया जिससे हम चोरों को नहीं पकड़ सकते हैं। आप इससे बच नहीं सकते, आप जनता के कोर्ट में दोषी हैं, मुजरिम हैं, पूरी राजीव गांधी सरकार मुजरिम है और यह सरकार जने वाली है और इनको बचाने वाला कोई नहीं है। धन्यवाद।

SHRI DARBARA SINGH: Mr. Vice-Chairman, we are discussing a very serious matter and the last speaker has only repeated that things are being covered up. I do not know what type of discussion is being held. Even the man who is indicted here, Mr. V. P. Singh, and his colleagues were using a very uncultured language. I do not accuse this gentleman, this honourable Member because he comes from the same stock. They have every right to be most uncivilised in Parliament itself...

श्री राम अवधेश सिंह : क्या कहा ?  
असिविलाइज्ड को सब अनसिविलाइज्ड  
दीखते हैं । उसको अच्छा आदमी दीखता  
ही नहीं है ।

श्री पशुपति नाथ सुकुल : चोर को चोर  
दीखता है (व्यवधान)...

SHRI DARBARA SINGH: The main thrust of our discussion is whether the country's security is involved or not. The great judges were put in charge of looking into the matter and they have given a report. Some extracts are quoted here out of context from the report and it is said that since that thing is not there, this thing is like this. I would like to know from these people who are all claiming that judges ought to be respected, they must be respected more than anybody else because they sit in judgment and whatever they say, they say it with some independence and with justice. Now it is being said that they have not given justice. Will they carry on with this for ever? This is an insult to the judiciary which has been done by these people... (Interruptions)... It is very shameful because those people are very well-read and know the subject. It is these people who were claiming and proclaiming that the judiciary must be very good. But now they are saying that these people have not done anything

and that they have done something at the instance of the Government. This insinuation is very bad on the part of the Opposition. Their main object was to demand that the Prime Minister should get out of the Government, that he should resign. That was the main aim, that was the main object, of their telling what they have told. It may be Mr. Vishwanath Pratap Singh or it may be any other Opposition leader. They have said that the Prime Minister should go. They should not think of that. The Prime Minister has done certain remarkable things in this country. He has kept the unity of the country and he will continue it. In the outside world also, Sir, he has shown his worth. And, today, it is known to the Opposition that the CIA is supporting Pakistan and the destabilization of this country is being done through Pakistan. Is it not known to them? Why are they having this issue with Mr. Hershman who is the ex-Chairman or ex-Director of the CIA? He has engaged all those persons who belong to the CIA or those who were under him for this purpose. The purpose is there for everyone to see. Previously also, two years ago I mentioned here in this House that before our great leader the late Prime Minister, Shrimati Indira Gandhi, was done to death, before that, a Committee was formed by the CIA and its associates and a 149 page report or some such thing was prepared in which the questions as to what would happen to India if Mrs. Indira Gandhi was there for the parliamentary elections and what would happen to India if she were not there were discussed. But all that has happened. Has not this come to the notice of the Communist Party? They say that the CIA is involved and this would have been done or this would have happened and all that. They knew this at that time and they knew that this had appeared in the Press. What happened to great leader and how it was man

aged are known to everybody. Now, are they looking into this aspect? They are not at all mentioning that the CIA is involved. Who is this Mr. Hershman? Who engaged him? Who is this Gurumurthy? What connection has he with the Government? He is only in the Press doing some job. Why is he so much interested in this? Only three or four persons knew what was happening to whom everything was entrusted and this was not known to the Prime Minister and his other colleagues. It is mentioned in this Report that it was kept as a secret. Why was the secrecy? Why is it that he appointed, that Mr. Hershman was appointed, without the knowledge of the higher-ups? It was a conspiracy to destabilize this Government by some method or the other. Therefore, I have brought this matter before you that the controversy over this Report has been raised with the idea that this Report may be demolished, that they may be enabled to tell the people that it is the Report of the Government and not a Report by the Judges or that this has been connived at by the Government of India with the purpose of telling the people that they were right and Mr. V. P. Singh and the Opposition were wrong. I do not discuss the man here. But the actions of the man show what he is. From the very start he has done it. I have also been in the administration. I know about the oral order. They have to be written in the file. What for are files kept? Why is the bureaucracy working? The oral orders are to be written on the file that such-and-such Minister has said such-and-such thing, which should come on the file and which should be kept. Was this done? No. If these were oral orders, then why was the file taken by V. P. Singh when he was given the Defence portfolio? Then he called for the file after 1-1/2 months. What was the purpose? What has he done? To start with, he said what transpired between the Prime Minister and himself (*Inter-ruption*). As the Home Minister said

all unit uths he has told here. He said: I asked the Prime Minister. Why did he not put up all the cases before the Prime Minister?

SHRI H K L BHAGAT: The insinuation that he made against the Prime Minister, Madam Deputy Chairman said, will not go on record.

THE VICE-CHAIRMAN (SHRI H HANUMANTHAPPA): That is right.

SHRI DARBARA SINGH: There are serious questions which we should look into. Firstly, Mr. Hershman has the outfit of private agencies. Why was an unprecedented step of engaging a private agency taken through oral orders, and it was later on that a noting on the file was done? Why? It has never been seen. We have also been doing such work. We too gave oral orders. But the Secretary or the man who is concerned would write down on the file that the Minister has given these orders. That would go to the Minister for his confirmation. He says that that was an oral order. Is it a medicine or a pill to be taken orally? This is a very serious matter. It is a very serious problem which has been taken care of by Thakkar-Natarajan Commission. He says that he was not called for an interview. But he gave a statement to the Thakkar-Natarajan Commission. They thought over it and decided that nothing more was needed from him. Whatever he had given showed the worth of the man. Therefore, they decided to call a person who did not attend that meeting. He was summoned because he also was on the wrong side. It was done.

Secondly, what adds to the gravity of the situation is the lineage of Mr. Hershman and his intelligence services of another country. How does one explain it? Nobody has explained it.

[Shri Darbara Singh]

They were beating about the bush but not coming to the point. Why was he given this? Mr Hershman has said in his version that destabilisation was also to be taken into account. Destabilisation is at the back of all this what has happened. The leader of the Communist Party (M) said that a book has appeared. We have also read that book. Veil the Secret Wars of CIA, 1981-87, by Bob Woodward. It is a voluminous book. If we have read it, what is wrong in that? It is a plot and all the conspiracy to destabilise those countries which are developing and which are developed. This is an effort to destabilise those countries and to bring them under their feet and under this new imperialism.

It was said that the Prime Minister went to America. Yes. Who is not going to America? Everybody likes to go to America for some agreement. That is all. What the Prime Minister has emphasised there is only one thing. Why are you giving arms aid to Pakistan? It is for destabilisation of India. It was the main thrust of the Prime Minister's visit. Now it is being said that you are taking some financial help from them. It is a mischievous and malicious propaganda which is being done by certain parties with a purpose. After all, it is not our job. It was the job of the Judges. They have said what they wanted to say. In all cases we accept their version and agree to it. Implementation is also done. Somebody has said that it is recommendatory. But the Judges are serving Judges. They have given full thought to the problem and they have given their opinion to the Government. If the opposition thinks that they can replace this Government, then they are far away from wisdom. They should know that we have been elected for five years. The people have put the Prime Minister in position for five years and not for three years. It is not the Janata Party which has gone out in three years. The Congress

Party is in majority. It is the responsibility of the Congress Party to see that the country remains one and it is not disintegrated and it is not bifurcated with the help of the forces which are coming up. I may tell you that certain forces are coming up in India at the instance of the foreign powers. It will take time. It is only this Prime Minister and none else who can keep the stability of India, who can keep the country as one, nation and who can make us feel Indians. Who else is there? I know the parties and how they are divided amongst themselves, what is their integrity and what sort of ideology they have. We know it very well. These are immature things which are being said here. It will not carry us anywhere.

I will not take much of your time. We have never set up to this late hour in this session. It is rather late. I would say in the end that all of us must think that this country has to progress. It may be non-alignment or Six-Nations' Declaration or Mr Gorbachev's visit. We fought to remove the British Government from this soil with one thing and it was non-violence. It is now accepted by the whole world and all the people of all the countries. At the same time, our relationship with Russia has developed because of this. We think that there should be non-violence in the whole of this world. Mahatma Gandhi gave us non-violence. It must be appreciated that we are not in the pocket of anybody. We are an independent nation. We will stand on our own legs. But we have to find out who is our friend and who is our foe. We want to remove nuclear weapons. How can we do it if such small things are discussed here with a low thinking? We should have a broader outlook of India. Therefore, Sir, in the end I thank you for giving me this time.

**SARDAR JAGJIT SINGH AURORA** (Punjab). Mr. Vice-Chairman, Sir, I have gone through the Justices Thakkar-Natarajan Commission of Inquiry from cover to cover and find that there is no mention, leave alone discussion, of the matter for which the Ministry of Finance of the Government of India had decided to use the services of the Fairfax Group Inc. which was to try and stop the flow of the country's surely needed capital to the foreign bank accounts of the corrupt businessmen. Surely this vital matter needed to be delved into but appears to have been ignored deliberately. Sir, going through the Report one cannot help feeling that the Commission has done homework for the Treasury Benches. The Report is so onesided that the speakers from the other side have been handed readymade material to expound on.

**SHRI B. K. GADHVI:** This is an aspersion on the Members.

**SHEP PAWAN KUMAR BANSAL:** On all of us. It is unjust.

**SARDAR JAGJIT SINGH AURORA:** This Report is neither fair nor has it produced many reliable facts. It has, however, coloured views and insinuations. I am sorry I have to say this. But by now we are getting used to such Reports; Mishra Commission Report was like this too. Having ignored the main task, there appears to have been little justification to have employed two Supreme Court learned Judges for months on a task which was so inconsequential. The inquiry was constituted to assess the utilisation of Fairfax Group by the Government of India which worked for about four months, three months of which were under the Prime Minister who had the charge of the Finance portfolio. The conclusion of the Commission is that Fairfax was not employed contractually, no payment was made, and no information

was received. This was known to the Ministry. Why then this waste of efforts and money and specially the valuable time of the Judges where the backlog of cases with the Supreme Court is ever-increasing?

Secondly, the Judges were called upon to comment upon the conduct and procedures adopted by certain members of the Finance Ministry while hiring a foreign agency to track down economic offenders. Are the Judges the most competent authority to do so or does this more appropriately fall into the administrative sphere? Why the Prime Minister as the Chief Executive could not pull up or point out that certain laid-down procedures had been violated? In case no procedures had been laid down, these could be constituted for the future to rectify any errors of omission or commission rather than to hold a Commission of Inquiry. In any well-knit team, this is all that would have happened. That at least, is my view.

The Commission, throughout its Report, has adopted an attitude that Shri Bhure Lal, Shri Pande and Shri V. P. Singh were relentlessly determined to nail down the Reliance Industries for its alleged economic offences and were ready to co-operate with its enemies, Shri Goenka and Shri Wadia to achieve their goal. I feel that sometimes it is more effective to set a thief to catch a thief. There is nothing reprehensible in it. Why is the Commission reading more in it than it should?

There is an amazing Chapter in the Report about the lack of loyalty of the Fairfax Group towards the Government of India. Before the Fairfax got going, an inquiry commission was instituted to decide if the security of India was prejudiced by making such an arrangement. The people concerned were put on the



[Sardar Jagjit Singh Aurora]

mat How can you expect Fairfax people to react to this? Loyalty is two-way street.

Lastly, Sir, I wish to deal with the security risk. The Commission has dealt with it at great length and tried to be convincing by citing many examples of dirty tricks and nefarious activities of the CIA and the British MI5, where the President and the Prime Minister of these countries respectively have been duped by their own intelligence organisations. They have also given examples of how other countries have been destabilised. I am sorry to say that the report has allowed its imagination to run riot. If a small investigative agency inquiring into economic offences can damage the top structure of our administration and political machinery, so as to make it ineffective, as mentioned in the report nationally and internationally, we are in a real bad shape. I think we totally lack self-confidence or we have got into the habit of crying wolf to hide our own shortcoming and misdeeds. We seem to be suffering from the CIA bogey to the extent that even a mention of it gets us into a dither. The CIA by itself does not consist of either devils or supermen. It makes me angry, the way we lose the ability to analyse any situation objectively and logically and realise that our country is not a house of cards. Even a small country like Nicaragua in South America in spite of the Monroe doctrine can stand up to the U.S. Government, including its CIA, because the people are united and the economic offenders are not there to weaken the will of the people to stand up. If the CIA or the KGB decide to destabilise this country it would be with the approval or desire of the Government concerned. For this, I think a Fairfax, or a non-Fairfax is not required. If we are united internally we have nothing

to fear. On the other hand if our society is fractured, which it is these days and the Government is incapable of inspiring confidence, which it is so these days, we better beware. People lose confidence in an inefficient and corrupt Government. It is only then that the destabilisation starts. Outside sources, however harmful, cannot by themselves overthrow a popular Government.

To end up, the terms of reference of the Commission were deliberately constituted so as to divert attention from the main issue of the economic offenders. Now the destabilisation threat is being used to malign honest and dedicated people whose main crime has been the honesty of purpose and devotion to duty and to the country to the exclusion of personal loyalty.

Sir, I have only one question to ask. When are we going to produce or plan a scheme to effectively deal with economic offenders especially the big guns? Thank you.

SHRI MADAN BHATIA. Respect ed Vice-Chairman, Sir, I have listened to the speeches which have been made by the hon. Member, Mr. V. P. Singh, and the Hon Member of BJP, with great distress, because those speeches contained very pernicious attacks and innuendoes against the Members of this Commission, who happen to be the Judges of the Supreme Court. Let us not forget that the Supreme Court has become the shiny armour of the rights of the people of this country. Over the last ten years, the Supreme Court has given new and tremendous dimensions to the Constitutional rights of the people of India. On behalf of hundreds and thousands of the people of this country who have received protection of their rights from the Supreme Court and who are beholden to the Supreme Court for having given new frontiers to their Constitu-

tional rights, I hang my head in shame over these pernicious attacks against this Commission which is presided over by two members of the Supreme Court.

Sir, I was always under the impression that this Commission was thrust upon the Government by the attacks made by the Opposition. It was instigated by the Opposition itself. But today, I had an amazing and startling revelation from the floor of this hon. House that this Commission was also thrust upon the Government of India by the hon Member, Mr V P. Singh, who said to the Prime Minister that 'I would like to have my name cleared'. Name cleared of what? Certainly not to have his name cleared of his proclaimed crusade against the economic offenders for which he is strutting around in the country to seek credit. He was obviously trying to have his name cleared of the attacks which were made from the floor of Lok Sabha on the engagement of such a foreign secret agency, the consequences of which politically could be disastrous to the stability of India. If that be so, then his statement from the floor of this hon. House that he insisted to the Prime Minister that among the terms of reference, a term should be included to cover the investigation into the economic offenders, is totally a false statement and an inconsistent statement. It does not fit in with the purpose for which he persuaded the hon. Prime Minister to appoint this Commission of Inquiry.

Sir, the time is short, and I am hardly in a position to give reply to any Members on that side, because they are not there except one hon. Member...

SHRI RAM AWADHESH SINGH: I am also here.

SHRI MADAN BHATIA Yes, two hon. Members. What is the main

attack which has been made on this report by the hon Members on that side, led by their new found messiah, Mr. V. P. Singh? As I have said, this report was thrust upon the Government of India primarily by Mr. V. P. Singh himself. When this report has blown up in its face then these hon. Members on that side who have been vying with each other to hug him to their bosom have started screaming and wailing and have started making allegations against the members of this Commission. These are not the rules of the game. They have picked up section 8(B) that this report is invalid because it did not comply with provisions of section 8(B).

12 00 MIDNIGHT

SHRI RAM AWADHESH SINGH: 8-B and 8-C.

SHRI MADAN BHATIA. 8B covers even 8C. Section 8C is only an elaboration of section 8B. I had the privilege to argue the ambit of section 8B and, as my hon friend says, section 8C also and all other provisions of the Commissions of Inquiry Act for almost four months when I challenged the prosecution of Mrs Gandhi ordered by the Shah Commission before the learned High Court of Delhi. The hon Member of the BJP was feeling shy of giving the name of the case. I can understand why. He would rely upon the judgement, but he would not disclose the name of the persons who challenged the actions of the Shah Commission which was appointed by a Government of which one constituent was the party to which he belongs. I have, I respectfully submit, Sir, some knowledge of section 8B because ultimately I did succeed in the High Court after my four months of submissions before the High Court in having the proceedings quashed on the basis of sections 8B and 8C. What is section 8B? The High Court has said. There is no time for me to

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quote. I remember. I have kept it in my head I have got the judgement. Section 8B says that a person has got a right to cross-examine any witness who has deposed against him before a Commission of Inquiry. Let Mr V. P. Singh name a single individual who has deposed against him before this particular Commission. He is proclaiming from the house tops that this whole report is invalid because his rights under section 8B have been infringed. He was given no right and no notice under section 8B. Notice under section 8B would have been given to him if there had been any witness who had deposed against him and on whose testimony the Commission was going to rely and whose testimony would have cast some aspersion on the conduct of Mr. V. P. Singh. On the contrary, Mr. V. P. Singh is supported to the hilt by Mr. Bhure Lal and Mr. Vinod Pande. Who is the other person who is complaining about the infringement of section 8B because the brief has been held on behalf of that individual, it seems, by the hon. Member from the BJP. He is Mr. Gurumurthy? What did Gurumurthy say to the Commission? I would just like to draw the attention of the House to the statement which he submitted before the Commission of Inquiry. He said that if he furnishes the information sought for from him by the Commission, he may have to disclose directly or indirectly the source of the information and that he will not divulge the information to anyone including the Commission. Here is a man who tells the Commission in its face, in violation of all the provisions of the Commissions of Inquiry Act, 'I am not going to co-operate with you; I am not going to appear before you; I am not going to make any statement before you; I am not going to furnish any information to you and you can do whatever you like'. Now he has got the temerity to say that this re-

port is invalid because no notice was given to him under section 8B

Secondly, Sir, section 8B says that every person whose conduct is liable to be indicted by the Commission of Inquiry has a right to produce defence. But if a person makes a confession of his guilt or his incompetence, section 8-B will not apply. It is tantamount to an act of appearing before the court and admitting his guilt. Once an accused appears before the court and confesses his guilt, he loses the right to produce any evidence in defence. What has the Commission done in this case? The Commission has merely recorded the admissions and confessions made by Mr. V. P. Singh and on the basis of those admissions and confessions posed a few questions to the Central Government, to the representatives of the people sitting in the Lok Sabha and in this hon. House and to the people of the country at large. If a person himself makes confession and admission of his own incompetence, of his own negligence, of his own ignorance and the Commission simply records his confession and admission and on that basis poses questions before the country, before the people and before the representatives of the people, he has the temerity to say that I had the right to produce evidence in defence. What are the confessions and the admissions which were made by Mr. V. P. Singh in the statement which I submitted before the Commission of Inquiry? I would just summarise Mr. V. P. Singh admits in his statement which is reproduced in this report that he only gave oral approval to engagement of a foreign investigating agency. Mr. V. P. Singh, in his statement does not even remember as to who were the subject matter of enquiry. Mr. V. P. Singh also admits that he prescribed no guidelines for his officers about the checking of the credentials of any agency which might be engaged by them. Mr. V.

P. Singh also does not deny that his approval was *carte blanche* to his officials to engage any agency of their choice. And Mr. V. P. Singh also does not deny that he did not retain any control whatsoever over any part of the process of engagement of any agency. Next, he admits that when he gave the clearance for engagement of a foreign agency, no particular agency was mentioned to him. He also admits that he did not hear of the name of Fairfax until he had ceased to be the Finance Minister and he came to know about the name of Fairfax only from the press reports when he had become the Defence Minister. Then he admits that he did not know anything about the wheeler and dealer activities of his Sancho Panza, namely Mr. Bhure Lal in the United States of America. He also does not deny that he met Bhure Lal and Pande in the first week of March when the controversy had exploded in the press. He also does not deny that he received the file on 9th of March, 1987 with regard to the Fairfax from Mr. Pande. He also does not deny that he made no requisition for this file from the Minister of Finance. He also does not deny that there was no matter relating to that file which was pending before him as a Minister of Defence. He also does not deny that he kept this file with him from 9th March till 11th of March. He also does not deny—and this is important—that the Cabinet Secretariat of the Prime Minister summoned this file from him on 11th of March and he admits that it was on the 11th of March that he recorded this note on the file. And the note makes a startling reading. It says: "I did not want the file itself but did want to go on record to say that I had given oral clearance when the matter was mentioned to me by Secretary (Revenue)." He says: "I did not want the file itself, but I wanted to go on record". If he did not want the file and if he simply wanted to go on record that he had given this clearance, the easiest method for him was to send a letter to the Minister of Finance and say: "It

appears that some investigation is being held against Bhure Lal and Pande for engaging Fairfax. I would like to bring it to your attention that I had given them the clearance". This was the simple way of making a record.

**SHRI SATYA PRAKASH MALAVIYA:**  
That would not have been a part of the file

**SHRI MADAN BHATIA:** Exactly. What does this first sentence say? I respectfully submit, I am on a very crucial issue, on 11th of March this file is summoned by the Cabinet Secretariat of the Prime Minister and he comes to realise that his game is up, that it has come within the knowledge of the Prime Minister that in a very clandestine manner, in conspiracy and collusion with his officials, he is dealing with a file with which he has no right to deal and therefore to absolve himself in the eyes of the Prime Minister, he makes this first part of the sentence: "I did not want the file itself", because he could not summon the file, he could not justify his action under rule 5 of the Business Rules before the hon. Prime Minister.

This particular part of his noting also shows his guilty mind. He understood that he had committed gross constitutional impropriety in procuring this file in a surreptitious and clandestine manner in total violation of rule 5 of the Business Rules and therefore he wanted to go on record: "I did not want this file itself", but this file had just been sent to me. On this the most disgusting part of the sentence is that he is telling a lie because Mr. Pande says that the former Finance Minister wanted this file to be shown to him and that is why he has sent this file to Mr. V. P. Singh. He records this part of the sentence which is an utter lie. I respectfully submit, Sir, having made these admissions, what follows from this? It follows that he allowed his Ministry to be literally hijacked by private persons for private ends and in collaboration with a foreign secret agency, the head of which had the temerity to deliver political homilies to the

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people of India and had the pernicious audacity to deliver threats to India that he can destabilise India. And if these were his admissions and his own confessions, what defence Mr. V. P. Singh had the right to produce before the hon'ble Commission? For what purpose was the Commission required to give the notice under section 8-B? To go and defend yourself. He has admitted everything and he was corroborated in every respect by Bhure Lal and Pande. Both of them say that the Minister knew nothing. Pande just dusts off his shirt and puts the entire blame on Bhure Lal for the engagement of Fairfax, and Bhure Lal confesses that he had been having clandestine meetings with Gurumurthy, not in his office but in Hotel Janpath, in Nehru Park, in Taj Hotel and, above all, in the guest house of the Indian Express. Pande also confesses that he met Gurumurthy four to five times, and Bhure Lal also confesses that it was Gurumurthy who introduced Hershman to Bhure Lal. And Bhure Lal also confesses that when he went to the United States and came back he made no report whatsoever about his wheeler-dealer actions in the United States and gave his tour report almost two months later, towards the end of February when the matter had become controversial.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Please conclude.

SHRI MADAN BHATIA: Sir, if these are the admissions and confessions, on that basis—I will conclude, Sir, in one minute—the Commission merely records these confessions, of Mr V P Singh corroborated by his Sancho Panza, Bhure Lal and Pande and then, on that basis, poses a few questions. The questions are:

"In the background of these disturbing features, some very vital questions pertaining to the functioning of the Finance Ministry of the Government of India during the course of the tenure of Shri V. P. Singh arise.

"1. Should such a vital Ministry of the Government of India function in

such a manner that important policy decisions such as the engagement of a foreign detective agency can be taken without the Cabinet or even the Prime Minister coming to know about the decision and without the Cabinet or the Prime Minister having the opportunity to take informed decision regarding the advisability or otherwise of adopting such a course?"

I expected an answer from Mr. V P. Singh. Is his answer to this question "Yes" or is it "No"? He does not answer this question. He indulges in a political harangue. What is the second question posed?

"2. Whether such important policy decisions should remain unrecorded in any file of the Government of India?"

He had to answer this question: he owed an answer to this honourable House. He refuses to answer this question.

The third question is:

"3. Whether files pertaining to one Ministry can be called for by a Minister heading some other Ministry or be sent to a Minister of such other Ministry for supplementing the file by making a written record of an oral decision said to have been taken in the course of some discussion several months back?"

He owed an answer. He does not give an answer.

Sir, lastly — I won't read all the questions — only one important question:

"5. Whether a situation can be countenanced where an important matter like engaging a particular private detective agency to function abroad on behalf of Government of India can be taken at the suggestion of a private individual without the Cabinet or the Prime Minister having a say in the matter of such selection?"

Did he answer that question? After delivering his speech, he showed contempt for this honourable House by walking away. because he was playing to the press gallery.

I respectfully submit, Sir, Mr. V. P. Singh not only proved his incompetence as a Minister by allowing his Ministry to be hijacked by private individuals for private ends in collaboration with a secret agency of very dubious connections but he also committed gross constitutional impropriety. Mr. V. P. Singh committed a gross constitutional impropriety in clandestinely summoning the file from the Ministry of Finance and making a note thereon as Minister of Defence in total violation of Rule 5 of the business rules which have been framed under article 77 of the Constitution and which, therefore can be read as an integral part of the Constitution. He violated the Constitution. By violating the Constitution, he has violated his oath of office, which he had sworn in the name of God that he would owe true faith and allegiance to the Constitution of India. I respectfully submit, Sir, I recommend this Report to be adopted by this hon. House.

Thank you.

श्री सत्य प्रकाश मालवीय माननीय उप-सभाध्यक्ष जी इन देश में जो आर्थिक समस्याएँ हैं, भारतीय या प्रवासी अपराधी हैं जो काला धंधा करके और बहुत से जो कर-संबंधी कानून हैं, यानी कानून हैं, उनका उल्लंघन करके विदेशी बाजारों में जो धन जमा करते हैं या आर्थिक अपराध करते हैं, उनके संबंध में जानकारी करने के लिए श्री विश्वनाथ प्रताप सिंह जी के समय में फेयरफैक्स की जांच दी गई थी और यह जांच किन परिस्थितियों में दी गई थी, इनके संबंध में जस्टिस नटराज और जस्टिस ठक्कर ने अपनी रिपोर्ट में मारा हवाला दिया है—उसके संबंध में बहुत विस्तार में आने की आवश्यकता नहीं है।

लेकिन जो जांच फेयरफैक्स को दी गई थी, उस जांच को रोकने का काम किया गया क्योंकि 31 मार्च, 1987 को तत्कालीन वित्त राज्य मंत्री, श्री ब्रह्म दत्त जी ने जब इस विषय पर लोक सभा में बहस हो रही थी, उन्होंने खुद स्वीकार

किया कि भूतपूर्व वित्त मंत्री जी ने जिस प्रकार से इंजाउत दी, वह बिल्कुल सही दी थी कोई दिक्कत नहीं थी।

वित्त राज्य मंत्री जी ने इस बात को स्वीकार किया कि जो फेयरफैक्स की जांच दी गई है उसमें कोई अनियमितता नहीं थी कोई अवधानिकता नहीं थी और जो दी गई है वह ठीक है लेकिन वित्त मंत्री के वक्तव्य के ठीक एक सप्ताह बाद 6 अप्रैल को भारत सरकार ने अपनी विज्ञप्ति में जो कमिशन आफ इन्क्वायरी एक्ट है, इसके अन्तर्गत सुप्रीम कोर्ट के दो माननीय जजों का एक आयोग बिठा दिया।

माननीय जजों ने बहुत विस्तार से इन सवालों पर चर्चा की है कि किन परिस्थितियों में फेयरफैक्स की जांच बिठाई गई और उसके बाद इस पर भी वह विस्तार से गये हैं कि विश्वनाथ प्रताप सिंह जी ने अपने जो अधिकारी थे प्रवर्तन निदेशालय के श्री भूरे लाल जी, उनको अधिकृत कर रखा था कि नहीं कर रखा था, तथा इस सिलसिले में जो रेवेन्यू मंत्रालय श्री विनोद पांडे हैं, जिनकी इस मिलमिले से क्या भागेदारी थी।

मान्यवर, अगर उन्हीं की रिपोर्ट में यह बात साफ हो जाए कि वित्त मंत्री जी ने दोनों अधिकारियों को अधिकृत कर रखा था और वित्त मंत्री जो को इस बात का अधिकार था कि नहीं था, तो वह चीज बिल्कुल साफ हो जाती है और इसलिए इस रिपोर्ट में पृष्ठ 140 में जो उद्धरण है, मैं उसको पढ़ना चाहता हूँ जो भूरे लाल जी ने आयोग के समक्ष दिया—

"The reason given by Shri Bhure Lal for not enquiring from the Indian Ambassador was that he had gone to USA for undertaking enquiries and for reasons of security he did not inform the Ambassador about it. He also stated that it was his experience that parties came to know about it and that is why he did not inform the Ambassador about Fairfax."

[श्री सत्य प्रकाश मालवीय]

क्योंकि इस सारे मामले में इस बात की भी चर्चा की गई है कि फेयरफैक्स के या एटिसीडेट्स थे, इसकी जानकारी वित्त मंत्रालय के लोगों ने प्रवर्तन निदेशालय ने क्यों नहीं किया, तो उन्होंने इस चीज को स्पष्ट करने की कोशिश की है और जब आयोग के समक्ष वह गये, तो उन्होंने बयान दिया कि चूँकि आर्थिक अपराधियों का पता लगाना था और इसके पहले जब कोई नाम की चर्चा की गई, तो उन नामों की जानकारी लोगों को ही जाती थी। इसलिए गुप्त तरीके से उसकी जानकारी करने की कोशिश की, लेकिन भूरे लाल जी के इस बयान पर जो आयोग है वहाँ कहीं पर भी इसमें विश्वास प्रकट नहीं किया है और प्रवर्तन निदेशालय के निदेशक को इस बात का अधिकार था या नहीं था इसके संबंध में जो रेवेन्यू सेक्रेटरी, फाइनांस डिपार्टमेंट के हैं श्री विनोद पांडे, इनका उद्धरण भी पृष्ठ 147 में दिया गया है

"Some time in September/October, 1986, Shri Pande who has the then Revenue Secretary in the Finance Ministry initiated a discussion with the then Finance Minister (Shri V. P. Singh) as regards the problems faced by the Director of Enforcement making investigations in regard to the economic offenders where some inquiries were required to be made outside India. According to Shri Pande Shri V. P. Singh had given him oral clearance to utilise the services of a foreign investigative agency whenever it became necessary to obtain definite evidence provided that payment was to be made only on receipt of such evidence."

मान्यवर, मैं अपनी तरफ से इस बात को बतलाना चाहता हूँ कि जो बिजनेस ग्राफ रूज हैं उसमें कहीं भी इस बात को नहीं लिखा गया है कि जो विभागीय मंत्री हैं उनको लिखित आदेश भी देना चाहिए, क्योंकि यह आपस में परस्पर विश्वास की बात है। रोज की कार्य प्रणाली में बहुत से ऐसे आदेश होते हैं जो कि मौखिक रूप

में दिए जाते हैं और जब श्री मुरलीधर भडारे जी चर्चा कर रहे थे तो विद्वान सदस्य श्री मुरलीधर भडारे जी ने श्री विश्वनाथ प्रताप सिंह जी की इस बात के लिए तारीफ भी की और उनकी सराहना भी की कि अधिकारी दोषी न पाए जाए और इसलिए श्री विश्वनाथ प्रताप सिंह जी ने सारी जिम्मेदारी अपने ऊपर ली और उन्होंने लोक सभा में वक्तव्य भी दिया

I share  
the responsibility or I own the responsibility.

लेकिन यह दुर्भाग्य का विषय है कि देश के प्रधान मंत्री ने अपनी इस जिम्मेदारी का निभाने का काम नहीं किया। मान्यवर, यहाँ जो समदीय लोकतांत्रिक प्रणाली है इसके अंतर्गत संविधान के अनुच्छेद 74 में इस बात का विवरण है

"There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President."  
और उसी के आगे दिया हुआ है :

"The Council of Ministers shall be collectively responsible to the House of the people."

तो हमारी जो संवैधानिक व्यवस्था है और हमारी जो लोकतांत्रिक प्रणाली है उसमें इस बात पर जोर दिया गया है कि मंत्रिमंडल का जो दायित्व है, वह मयूकन दायित्व रहेगा, जवायट रेसपामिबिलिटी रहेगी और पारस्परिक सहयोग से सारा काम चलेगा। लेकिन प्रधान मंत्री जी का जितना सारा काम हुआ है फेयरफैक्स को जांच देने का यह सारा काम उसी समय हुआ है जबकि इस देश के प्रधान मंत्री श्री राजीव गांधी थे और उस मंत्रिपरिषद् के सदस्य श्री विश्वनाथ प्रतापसिंह जी थे, इसलिए इस देश के प्रधान मंत्री श्री राजीव गांधी अपनी जिम्मेदारी में बिल्कुल बच नहीं सकते। इसी सिलसिले में एक दूसरी बात है जिसकी ओर मैं ध्यान आकर्षित करना चाहूँगा और जिसका उद्धरण पृष्ठ 152 और 153 पर है केवल तीन लाइनों में है, कि परिस्थितियों में इसकी जानकारी की गई और किन परिस्थितियों में वित्त मंत्री श्री विश्व-

नाथ प्रताप सिंह जी को इस मामले में सारे अधिकार थे कि नहीं थे ?

"Shri Pande stated that the decision to employ foreign agencies for securing special information in the concerned foreign country on payment of result basis was not recorded, as at that time it was not regarded as a significantly new decision"

उन्होंने इस बात की समझाने की कोशिश की है कि किन परिस्थितियों में वित्त मंत्री ने पत्रावली में लिखित रूप से आदेश नहीं दिया परन्तु उन्होंने मौखिक रूप में अपने अधिकारियों को पूरा अधिकार दे रखा था :

"The Finance Minister had sufficient authority to take such a decision. According to him clearance about raids, screening of targets or any sensitive operational decision is generally made outside the files. Considering the very nature of this decision, it was not desirable to have wide-ranging consultations or discussions."

मान्यवर, इसमें एक बात की बहुत ज्यादा चर्चा की गई है, जब बाद में पूर्व वित्त मंत्री रक्षा मंत्री हो गए तो उन्होंने फाइल पर उस चीज को लिख दिया जो उन्होंने मौखिक आदेश दिया था। इसमें जो कानूनी नियम हैं उसका बहुत वायदा न नहीं हुआ है, केवल उन्होंने अपना जो मौखिक आदेश दे रखा था उस आदेश का उद्धरण उन्होंने लिखित रूप में पत्रावली में कर दिया और इस मिलमिले में विनोद पांडे ने खुद कहा है कि मैंने जो पत्रावली उनके पास भेजी तो जो तत्कालीन वित्त राज्य मंत्री थे श्री ब्रह्मदत्त जी, उसको उन्होंने इस बात की जानकारी करा दी...। उनको इस बात की उन्होंने जानकारी करा दी थी। इसमें कोई छोटी-मोटी तकनीकी बात हो सकती है, लेकिन इस मामले को इस तरीके से रखा गया है, जैसे विश्वनाथ प्रताप सिंह जी ने पत्रावली के पहले वाले मौखिक आदेश को लेकर बहुत बड़ा अपराध किया हो... (व्यवधान)...

श्री पशुपति नाथ मुकुल : अगर वे जन-मोर्चा में न गए होते तब आप क्या कहते ?

श्री सत्य प्रकाश मालवीय : अगर जन-मोर्चा में न गए होते तो कांग्रेस के साथ काम करते होते। तभी तो पर्दाफाश किया है न।

मान्यवर, मैं यह निवेदन कर रहा था कि जो जस्टिस ठक्कर-नटराजन आयोग है, इसने इस बात की काफी विस्तार से चर्चा की है और माननीय सदस्यों ने इस बात का जिक्र भी किया है कि किस प्रकार से श्री राजीव गांधी की सरकार काम करती है इस देश में। इस रिपोर्ट के अंत में पृष्ठ 289 में इनका ओब्जर्वेशन है —

"The services of the foreign private detective agency were being utilised in the name of and on behalf of Government of India and not on behalf of the officials who did so. And yet the Government and even the Prime Minister were totally in the dark about these sensitive matters."

मान्यवर, मैं यह निवेदन करना चाहता हूँ कि इस ओब्जर्वेशन के बाद क्या इस देश के प्रधान मंत्री को अपने पद पर बने रहने का अधिकार है क्योंकि उनकी संपत्ति में जो कुछ हो रहा था, उनके मतिपरिषद् में जा कुछ हो रहा था, उनके मंचिवालय में जो कुछ हो रहा था और जिसको कहा गया बहुत ही सेमटिव बहुत ही संवेदनशील विषय था, तो प्रधान मंत्री को... (व्यवधान)...

श्री एच. के. एन. भगत : माननीय, एक बात आपसे पूछता हूँ कि जो विश्वनाथ प्रताप सिंह जी ने किया, वह ठीक किया या नहीं किया ?... (व्यवधान) फेयरफैक्स के बारे में उन्होंने जो किया, उसका पूछता हूँ। आप प्रधान मंत्री पर ला रहे हैं, वह प्राइम-मिनिस्टर है, लेकिन पहले आपसे पूछता हूँ कि आपकी राय में विश्वनाथ प्रताप सिंह जी ने जो यह किया, वह ठीक किया या गलत किया ?



श्री सत्य प्रकाश मालवीय : विश्वनाथ प्रताप सिंह जी ने जो फेयरफैक्स को जांच देने का काम किया, वह ठीक किया क्योंकि उसमें उनका मकसद था कि जो आर्थिक अपराधी है, उनको पकड़ा जाय। फेयरफैक्स को जो जांच का काम दिया, उसमें कहीं कोई गड़बड़ी या गलत काम नहीं किया। उस काम को रोक़ा गया। आपके वित्त राज्य मंत्री श्री ब्रह्म दत्त जी ने स्वयं 31 मार्च, 1987 को स्वीकार किया कि विश्वनाथ प्रताप सिंह जी ने जो जांच का काम किया था, वह ठीक था, उसमें कहीं कोई अनियमितता नहीं थी, कहीं कोई अवैधानिकता नहीं थी, कहीं कोई गड़बड़ी नहीं थी।

श्री एच०के०एल० भगत : आपकी दलील बड़ी दिलचस्प है कि विश्वनाथ प्रताप सिंह जी ने जो काम किया, ठीक किया, लेकिन जो हुआ, उसकी जिम्मेदारी प्रधान मंत्री पर।

श्री सत्य प्रकाश मालवीय यह जस्टिस नटराजन और जस्टिस ठक्कर ने कहा है कि प्रधान मंत्री जी को उनकी सरकार के अंतर्गत इतने सवेदनशील विषय में जो कुछ हो रहा था, उसकी कोई जानकारी नहीं थी। इस बात को मान्यवर, मैं नहीं कह रहा, मैंने तो रिपोर्ट के उद्धरण को पढ़ा है। इसलिए मैं कहना चाहता हूँ, चूँकि हमारे यहाँ जो प्रणाली है उसके अंतर्गत मंत्रि-परिषद् का संयुक्त दायित्व होता है। इसलिए प्रधानमंत्री अपनी जिम्मेदारी में नहीं बच सकते और विशेषकर तब अपनी जिम्मेदारी से नहीं बच सकते, जबकि जस्टिस नटराजन और जस्टिस ठक्कर ने अपना निर्णय भी दे दिया हो।

मान्यवर, इन्हीं शब्दों के साथ मैं निवेदन करना चाहता हूँ कि इस रिपोर्ट को रद्दी की टोकरी में फेंक दिया जाय, इस पर कोई कार्यवाही न की जाय और सरकार इस रिपोर्ट को अस्वीकार करने का काम करे। जहाँ तक विश्वनाथ प्रताप सिंह जी के खिलाफ कार्यवाही करने का

काम है, उस संबंध में विश्वनाथ प्रताप सिंह जी ने सरकार को चुनौती भी दी है कि अगर इस सरकार में दम हो तो एक महीने के अंदर उन पर मुकदमा चलाए। मैं भी विश्वनाथ प्रताप सिंह जी की बात दोहराना चाहता हूँ कि अगर इस सरकार में दम हो तो वह विश्वनाथ प्रताप सिंह जी पर मुकदमा चलाए और अगर यह सरकार मुकदमा चलाएगी तो इसमें सरकार का ही भण्डाफोड़ होगा, प्रधानमंत्री के जो काने कारनामे हैं, उनका ही भण्डाफोड़ होगा।

इन्ही शब्दों के साथ मैं पुनः निवेदन करता हूँ कि इस रिपोर्ट को अस्वीकार किया जाय।

SHRI B. K. GADHVI: Mr Vice-Chairman, Sir, I have heard the Members with rapt attention and I am thankful to all the Members who have participated and they have dealt with various aspects of this Inquiry Commission report.

Sir, first of all, I would like to place on record that the Government of India has total faith in the loyalty, integrity, intelligence and objectivity of the Judges of the Supreme Court who presided over this Commission. I would also like to place on record that our drive against the economic offenders is relentless. We have not stopped it. It was continuous at the time of Mr V. P. Singh at the instance of the Prime Minister and it will continue with more vigour and force. (Interruption).

श्री राम अवधेश सिंह : उपसभाध्यक्ष महोदय, बड़ी इम्पोर्टेंट बात है। टर्म ऑफ रेफरेंस में यह क्या नहीं दिया गया कि एकोनॉमिक अप्रोडर्स के खिलाफ कैसे जांच होगी? (व्यवधान) यह तो चोरों अप्टाचारियों को बचाने की इनकी इच्छा थी।

उपसभाध्यक्ष (श्री हेच हनुमन्तप्पा) : यह तो सारा आपने बोल दिया है, फिर क्यों दोहराते हैं।

Don't disturb now. You should see the sense of the House also. Please sit down.

श्री बी के गढ़वी : उपसभाध्यक्ष  
महोदय, संस्कृत में एक श्लोक है—

“लज्जेत् सि तासु तैलं किंतु मूर्खं  
नाराधयेत् ।”

I can crush the sand and get the oil but  
I cannot make a fool understand a thing.  
That is what the Sanskrit proverb means.

श्री राम अवधेश सिंह : यह तो ठीक है,  
लेकिन जो धूर्त है, जानबूझकर धोखा  
देता है (व्यवधान)

श्री बी के गढ़वी : मैं बिल्कुल चुपचाप  
आपको मुनता रहा। अब आप मेहरबान  
कीजिए ।

Sir, various aspects, as I stated, have been dealt with by the hon Members. The points raised by the Opposition have been squarely met from this side and particularly, I would like to name Shri P. Shiv Shanker on the legal aspects, Shri Murlidhar Chandrakant Bhandare, Shri Madan Bhatia, Shri Aladi Aruna alias V. Arunachalam and other Members, they have squarely met the points raised by the Opposition Members. Therefore, I would not like to repeat those things barring a few points which would be very necessary for making the record straight, Sir. The point is from the report and the manner in which Fairfax was engaged for furnishing information by Mr. V. P. Singh because Mr. V. P. Singh has claimed this, therefore, I am making this submission. He claimed, “my drive was against the economic offenders” and who were the persons through whom he was trying to have his drive? The Express Group, Nusli Wadia and others. We still have got cases against them for FERA violations. If someone wants to cleanse the floor with a dirty broom, then whether it would cleanse the floor or whether it would make it more dirty. That is the salient point because he said, “I wanted to cleanse it.” With what? The broom was totally dirty and with the dirty broom, he wanted to cleanse the floor. This is a very simple thing for anybody

to understand. Then only the second thing would come that not with a view to cleanse the floor but with a view to have some ulterior motives, achieving of some ulterior motive, this exercise was undertaken and, therefore, Mr. V. P. Singh is not a new man like me. He is a senior, experienced administrator. He was Chief Minister. He was a Minister in the Centre for so many years. Is it palatable for anybody? Can we swallow it when he takes such a decision authorising his officers to take such a decision to engage Fairfax which is an investigating agency established abroad particularly in America with CIA connections? Can we swallow it even for a moment that a man of his experience did not enquire about as to whom the officers were going to engage, what were their credentials, what was the past, what is their present and all those things? That is why the Commission has stated that it was a cloak-and-dagger method. The secret was to be kept and should not be known to the Cabinet, should not be known to the Prime Minister, and actually, he was successful in doing this till the myth exploded. And therefore, Sir, the question whether of propriety, of collective responsibility, of joint responsibility, of vicarious responsibility arises? Was the Prime Minister or any of the Council of Ministers responsible for the action of Mr. V. P. Singh? Mr. Bhandare has rightly drawn our attention to the fact that collective responsibility arises only in the case where Cabinet decision is taken by the Cabinet. But, if in this manner, a clandestine manner, some decision is taken, then why should the blame be thrown on the Prime Minister? Why should a shield be offered to the guilty by the Opposition? They tried it all this afternoon. It is very poignant for me to hear these. It is more poignant for me to observe these because he was our erstwhile colleague. The Opposition is shouting from house-tops about judicial independence, integrity of Judges. They have themselves demanded an enquiry. But the report does not suit them, does not suit their convenience, their desire, their design. Then they try to denigrate it. Rightly it was observed by so many

[श्री बी० के० गडवा]

Members that had Mr V P. Singh been on this side, this report would have been the report given by the most eminent Judges and it would have been the best report in the world. All those things have been stated very elaborately. I would just place on record the observations made by the Press also because it is not that all the Press is biased. I am quoting 'The Tribune'. Its editorial observes that Mr. V. P. Singh does not boast of being the master of details. But hiring of a foreign agency to snoop on Indians is not a matter of detail but of a major policy." His faith in the chosen Officers is, indeed, touching. But his failure to gauge the implications of his act is surprising. This speaks either of the incompetence or of the callousness or of the casualness of a very senior member of the Cabinet holding the portfolio of finance, which is very sensitive and important. If these are the facts brought before the Commission and the Commission, as a matter of statement of fact, just elaborated the lapses on the part of Mr. Bhure Lal, on the part of Mr. Pande on the part of Mr. V P. Singh or on the part of any of the incumbents mentioned in the report, how can it be said that this is an indictment and this is an accusation and therefore section 8B ought to have been invoked and he should have been given a notice according to the principles of natural justice, etc.? Mr. Madan Bhatia explained the whole thing. Still, Sir, I would like to point out what section 8B says. It is like this:

"If, at any stage of the enquiry, the Commission

(a) considers it necessary to enquire into the conduct of any persons "

which was not the case here,

"is of the opinion that the reputation of a person is likely to be prejudicially affected by the enquiry, the Commission shall give, to that person, a reasonable opportunity of being heard in the enquiry and to produce evidence in his defence.

Provided that nothing in this section shall apply where the credit of the witness is being impeached."

And what did the Commission do? It merely impeached the credit. Therefore, the question of giving notice would not arise. The Commission, in its wisdom, did not think it fit to give notice. That can never be the cause for a grievance and for assailing the report. And that is why the Government, after examining all the aspects of this case, all the legal aspects, accepted this report and, as promised to this august House, to both Houses of Parliament, the report has been tabled before Parliament. We do not want to conceal anything. We had promised that we would set up an inquiry commission and that when the report was given, it would be placed before both Houses of Parliament. That is what the Government has done, to place the report before Parliament as expeditiously as possible. Therefore, it speaks of the frankness on the part of the Government that we do not want to conceal anything from this House. Whatever has happened is a diabolical thing. We know the CIA activities all over the world. If you are supporting CIA, that is the very reason why you were rejected by the people. BJP people ask: What was wrong in engaging Hershman and Fairfax and other people? They are asking, "What was wrong?". In that context let me say that when Mr. V P. Singh presented his first Budget after becoming Finance Minister, his Budget was hailed by whom? By people belonging to that forum of free enterprise who had connections with America. And now the whole thing comes in a subtle way and the issue is clinched. Destabilisation is not by force. But you wrecked the administration in such a way that Hershman, Fairfax, they were to supply evidence. Not only that. If we are to take information out of the country, they could have asked the officers to give information, vital information, strategic information, ...

श्री राम अक्केश सिंह : राजीव गांधी  
का फाइनेंस मिनिस्टर की हैसियत से जो

बजट था उसकी अमेरिका ने बहुत प्रशंसा की थी

**SHRI B. K. GADHVI:** Today when we are trying to remove the canker from the administration, you are trying to put a canker in the judiciary. This is the difference between you and us. I tell you, judiciary is intact and as yet there is no termite in it, as yet there is no canker in it. Don't try to put a canker in it now; otherwise, this pillar would collapse. That is why I said at the beginning of my speech and it is Government of India's position, that we have total faith in the integrity and sincerity of these judges. Secondly, I do not like to go into details of everything that has been stated. But let us see what the Commission has stated. The circumstances pertaining to the utilisation of the services of Fairfax are narrated from page 130 onwards. At pages 134-135 the Commission has merely pointed out the inconsistencies between the versions of Bhure Lal and the versions of others but has not given any finding on the question whether Bhure Lal kept his superiors informed about this matter. The Commission has, at pages 140-141, merely pointed out the factual position as to how the matter was dealt with, without any reflection on the conduct of individual persons but on the general system prevailing in the Government and which was adopted. At page 144 the Commission observes:

"All these facts .."

—that is why we say that this was a fact-finding report—

"All these facts each of which gives rise to a disturbing question are in terms admitted by Shri Bhure Lal. Whether it is safe and whether it is consistent with public interest to permit officials of the rank of Director of Enforcement to conduct the affairs of the Directorate in such a manner or whether some lessons require to be drawn from the facts and circumstances which have emerged, it is for the Ministry of Finance to consider."

This is just a simple observation they have made emerging out of the facts placed before them. Therefore, I won't quote extensively. The entire report is before the House. Now, Sir, it is past midnight. I would finish soon.

Sir, this Report has been given. It was Mr. Vinod Pande and Mr. Bhure Lal. I have no personal thing or I have no personal axe to grind against anybody. But I certainly feel that if there are lapses and delinquencies in the discharge of duty by anybody, then they are answerable and the Government shall have to consider it because we cannot gloat over the lapses and delinquencies. But they will be dealt with in a manner which is established under the law and the rules and the procedures.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE:** That is more important.

**SHRI B. K. GADHVI:** Sir, insofar as what Mr. V. P. Singh has claimed here, I am not supposed to speak. But he has spoken about how many raids were conducted and all that. Today, we carry out more raids than what he has carried out, on Income-Tax, on Excise, on Customs, on FERA violations and so on. We are also trying to refine the provisions of the FERA to plug the loopholes. It may be Mr. Nushi Wadia, it may be Bombay Dyeing, it may be Reliance, it may be Tom, Dick and Harry, if they have committed the offence, then due legal process would be started and action taken against them and there is no doubt about it. We are not here to put one group against another because, after all, this is the Government of India and objectivity is there, detachment is there.

श्री राम अवधेश सिंह : आपने इस बारे में टर्म्स आफ रेफरेंस में यह बात क्यों नहीं रखी ? जिन लोगों ने 13 मी. रोड स्विज बैंक में जमा किये थे, उनको आपने टर्म्स आफ रेफरेंस में क्यों नहीं रखा ? हमें भी न्यायपालिका पर उतना ही विश्वास है जितना आपको है । लेकिन आपने न्याय-

[श्री राम अवधेश सिंह]

पालिका के पंख काट दिये । वह फंसला कैसे देती ? मैं टर्म्स आफ रेफरेस की बात कह रहा हूँ ।

SHRI B. K. GADHVI: So far as the terms of reference are concerned, Sir, Mr. V. P. Singh tried to pull out some papers from his bag. At least I am not aware of any such thing. (Interruptions). He pulled out something, some paper, and he wanted to say something. Sir, I want to go on record and say that the terms of reference were approved by the CCPA and it must have been discussed before also and in the CCPA, Mr. Singh was a member. So, it was announced in the House also. So, as Mr. Murlidhar Bhandare has rightly stated, if he had any grudge or grievance against the terms of reference, the only course open to any honourable person, to any man with integrity, as he is calling himself now, would have been to resign on the spot which he did not do and, therefore, I say that on fabrication and concoction you are relying more than on the true versions that we are making. That is the difficulty. It was fabrication and concoction that were made today by him in the House and it was not all the truth. He tried to colour the truth and he tried to concoct the truth. Therefore, I want to submit. (Interruptions). Therefore, what I want to submit is that there is the judicial report and one of the terms of reference, No. 6, was this: "Was the security of India prejudiced in any manner in making the arrangements?" So, the terms of reference were about the consistency of engagement of the Fairfax Group, about the rationality, about the propriety and all those things. They were the factual terms of reference. Then, there is the question as to why the Commission was set up. Why was the Commission set up? Because this was again taken up by Mr. Singh or the officers and a foreign agency was engaged and that was why the security question was to be posed before the Commission. Otherwise, what was the reason for going into the question of setting up a Commission at all? You can read the terms of reference and they are all factual.

श्री राम अवधेश सिंह : आप उनको चैलेन्ज क्यों नहीं करते हैं ... (व्यवधान) ।

श्री बी. के. गध्वी : चैलेन्ज ही कर रहा हूँ । आप सुनते ही नहीं हैं । मुबह होने को है, आपका दिखाई नहीं दे रहा है ।

They were all factual, except to arrive at this conclusion whether they were in the interests of the country or not. And when the Commission has come to the conclusion squarely that the engagement was not in the interests of the country, then anybody claiming to be... (Interruptions)..

SHRI RAM AWADHESH SINGH I had asked this specific question: What national security is involved? What information were passing on to Fairfax and what information were we getting? Let us know what national security was involved? (Interruptions) This is a pertinent question. He must reply to it.

SHRI B. K. GADHVI There was absolutely no information from them. We do not know in what clandestine manner, they passed on the information, which we gave for the purpose which Mr. V. P. Singh claims. ... (Interruptions)

Sir, I would like to be very brief. I know that everybody is in haste. I would like to state that the challenge given by Mr. V. P. Singh, and now supported by the Opposition, on the Report is totally untenable. Perhaps it is wishful thinking. Sir, I come from a village. There was a jackal and there was the leaf of a camel because the camel has got a loose leaf. The jackal thought that this leaf will fall down and he would take it. And along with the camel in the desert the jackal went. But he died on the way because he could not withstand the difficulties. Your wish also of getting power, that is, the camel's leaf, is not going to be fulfilled, kindly rest assured. (Interruptions) They claim that they know people. Let me tell them that they might have some support from persons like those who are violating the FERA and who are committing other economic offences. But we

have got the support of millions and billions of poor people of this country. And, therefore, it does not behave them to claim in these loud voices, shouting voices, and hurl insinuations against the Judges and the Government. This Government is a government which wants to eradicate corruption, blackmarketing, FERA violations, etc. from this country. I know that when we launch a drive whom it is pinching the most (*Interruptions*)

Sir, I do not want to take more time, because all the points that have been made have been answered also. I commend the Report for the acceptance of the House.

SHRI MURLIDHAR CHANDRA-  
 KANT BHANDARE: Mr Vice-Chair-

man, Sir, before we adjourn, may I thank you on behalf of all for your admirable patience in conducting this late night sitting?

SOME HON. MEMBERS: W all join..  
 (*Interruptions*)

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA) The discussion on the Thakkar-Natarajan Report is over.

The House stands adjourned to meet again at 11 A.M.

The House then adjourned at one of the clock on the 15th December 1987 till eleven of the clock.