

### RE. ALLEGED BREACH OF PRIVILEGE BY AIR

SHRI KALYAN ROY (West Bengal): Sir, I rise to draw the attention of the House to gross breach of privilege by All India Radio in relation to the Half-An-Hour Discussion on 28th July, 1982, held in the Rajya Sabha.

The Chairman allowed the Half-An-hour Discussion on HINDALCO on the 28 July and it was listed in the List of Business as: Half-An-Hour Discussion on points arising out of the answer given in the Rajya Sabha on the 15th July, 1982, to Un-starred question 734, regarding aluminium produced by HINDALCO. The discussion started at 5.30 and besides the Law Minister and State Minister of Steel and Mines, Sarva-Shri L.M. Nigam, S.C. Jha, S.W. Dhabe and Hukmdeo Narayan Yadav participated. The discussion was initiated by me and both the Ministers and all the Members only concentrated on the refusal of Hindalco belonging to the Birlas to pay Rs. 26 crores to the Government fund under the Essential Commodities Act. But the All India Radio in its broadcast "Today in Parliament"—Rajya Sabha proceedings—of 28th July, 1982 just mentioned "one private concern" throughout its news and deliberately, calculatedly, did not mention Hindalco. Sir, there are more than one private concern producing aluminium and the entire discussion was in relation to Hindalco as per the List of Business. So this amounts to deliberate suppression and distortion and direct censorship of parliamentary proceedings and nothing but a gross breach of privilege. This must have been done under the influence of the House of Birlas which has refused to pay the Rs. 26 crores. I would request you, Sir, to please take a serious note of this outright censorship and direct the Minister for Information and Broadcasting to tender an

unconditional apology and correct it.  
(Interruptions)

SHRI SADASHIV BAGAITKAR. (Maharashtra): He has drawn the attention of the Government. Why should they refuse to take the name of Hindalco when it is clearly stated it is Hindalco and when we discussed it under the name of Hindalco? Why was it done, Sir?

(Interruptions)

MR. DEPUTY CHAIRMAN: That, is all right. Now discussion under Rule 176. Shri Piloo Mody.

### DISCUSSION UNDER RULE 176 Transaction relating to the purchase of HSD, from Messrs. Kuo Oil in February 1980

SHRI PILOO MODY (Gujarat): In raising the discussion under Rule 176, Mr. Deputy Chairman, I seek your indulgence and would like to ask my colleague here. Mr. Ramamurti, to initiate the debate on it.

SHRI P. RAMAMURTI (Tamil Nadu): Mr. Deputy Chairman. Sir,...

श्री जे० के० जैन (Madhya Pradesh):  
यदिन जोर से करो ।

(Interruptions) .

SHRI P. RAMAMURTI: Don't interrupt me, please. Mr. Deputy Chairman, Sir.. (Interruptions) .. Mr. Jain, will you please keep quite?

Mr. Deputy Chairman, Sir, the subject-matter of discussion today appeared in a prominent mass circulation newspaper some three weeks ago, and the fact that the Government has taken nearly three weeks to concede a discussion of the subject only shows the reluctance of the Government to have a discussion on that subject and at last it has been

[Shri P. Ramamurthi]

compelled to yield to the demands. As a matter of fact, this discussion has been wrested from the Government. This is the first thing.

Yesterday the Minister made a statement. Reading through the statement one cannot but be struck by the fact that this statement is full of *suggestio falsi* and *suppressio veri*. Many things are not stated, facts are suppressed and there is no cogency as far as the statement is concerned and it is full of contradictory statements. I will show you what the contradictory statements in the statement are.

Therefore, Sir, flowing from this, the natural feeling is, we do not know where we stand. The whole matter becomes "curiouser and curiouser." It is just like Alice in Wonderland. This is what happens when one reads that statement. There is no cogency, it is full of contradictions. I will show you that.

Now, Sir, you take the whole of the first page. The first page deals with the conditions that necessitated the placing of a very big order, the conditions of scarcity of petrol that started in this country in the second half of 1979 and which continued right up to 1980; and therefore the necessity for placing such a big order. Nobody disputes that. Is there anybody in this House or in this country who doubts about the necessity? Where is the need to give one full page for it? This could have been disposed of in one sentence. Because you have nothing serious to say you try to have this verbose statement.

What is it that we are concerned with? I am not taking up the question of that letter and that file. The main question with which we are concerned is the manner in which the policy decision was taken. It was not an ordinary decision. It was an important policy decision. I am talking of the manner in which the Go-

vernment of India used to make purchases of petrol and petroleum products, which practice has been going on for umpteen years and which has generally been accepted by Parliament! Therefore, it should have been taken that *ipso facto* Parliament had accepted the procedure that had been in existence. The question is about the manner in which that procedure was changed, the manner in which that policy was changed. Then, secondly, the manner in which the procedure was adopted for ultimately giving the award to a particular company or a particular party, how it was done, why it was done. These are the substantial matters on which I want to speak and these are the substantial matters that vitiate the entire deal.

Therefore, Sir, I want to point out that before awarding this contract, before changing the decision, before changing the policy decision, there must have been some discussions and those discussions matter very much. Unfortunately, in the long statement of five pages by the Minister yesterday not a single word is found with regard to the discussions, with regard to the question how that decision was arrived at. The decision must have been preceded by discussions, but nothing is known. What were the arguments in favour of this new policy decision, nothing has been stated in that statement. We come to know all these things when we examine all these things. When we come to know whether the particular decision has been taken taking into account the totality of the situation when the deal was entered into, then only one can come to a conclusion whether you could have done it or you should have refrained from doing it. These are the things on which I want to concentrate as far as my speech is concerned.

Now the most important reason recorded by the then Minister of Petroleum. Mr. P. C. Sethi, on the 15th of January, 1980 I quote verbatim.

"Quotations based on escalation or de-escalation formula are not in the overall interest of the country."

It is a categorical statement, an unambiguous statement. The second is:

"They impose 'an indeterminate liability' on the country."

Why they are not in the interest of the country, is because they impose an indeterminate liability on the country. The third is about the directions to the IOC.

' "the IOC should always keep in mind that they cannot impose on the Government an indefinite liability."

Now, whether the IOC imposes, I do not know, because, according to the procedure so far pursued it is not the IOC that is making the contracts. You have an empowered committee, consisting of various officers belonging to various department and the public sector undertakings. They process the various offers. They process the tenders. It was they who decide it. Of course, the minister's dicta quoted above apply to all the other Departments and also to the empowering committee if they continue to function. The IOC, basing on these things, should always keep in mind that they cannot impose on the Government an indeterminate liability, an indeterminate liability will arise only when there is a variable price contract. Therefore, a variable price contract has been ruled out for ever by the Minister on the 15th. This is the first point that I want to make. What is this, Mr. Shiv Shankar? Are they not like the *obiter dicta* of a Supreme Court Judgement? Does it not read like *obiter dicta* binding on all officers, binding on all tile Departments of the Government of India, saying, "You have got the follow this and nothing else. No

deviation is allowed. No violation of this is allowed." These are *obiter dicta*.

I want to ask you: Are you in a position to deny the statement of Mr. P. C. Sethi? No. On the other hand, I would later on come and point out to you that you have yourself reiterated the same thing in the statement that you have made yesterday. I will come to that later.

Therefore, Sir, as far as the oil deals in this country in the future are concerned, according to those *obiter facta*, so long as these *obiter dicta* stand, it is the law of the land and until it is changed by a decision of the Cabinet because he is a Minister and he has made these *obiter dicta*, that always, for ever, you must have only fixed price contracts because anything else is not in the interest of the country.

THE MINISTER OF PETROLEUM, CHEMICALS AND FERTILIZERS (SHRI P. SHIV SHANKAR): Mr. Ramamurti, *obiter dicta* are not binding.

SHRI P. RAMAMURTI: They are binding on the lower courts. T&ey are not binding on the Supreme Court. Please understand that. I also know law. I also argued my one case.

DR. RAFIQ ZAKARIA (Maharashtra): He has been a High Court Judge.

SHRI P. RAMAMURTL What does that matter? It does not mean that other people do not know law. It is not his monopoly.

SHRI N. K. P. SALVE (Maharashtra) : *Obiter dicta* have their own weight in the Supreme Court.

DR. RAFIQ ZAKARIA: Weight is one thing and binding is another.

SHRI P. RAMAMURTI: What are the facts now? If that is the position of the Government that any contract, other than a fixed-price contract, is not in the interest of the country, that

[Shri P. Ramamurti]

it should not be entered into, and that is the direction that the Minister has given, I want to know for justifying this contract, why all these other arguments? They are absolutely irrelevant because you have taken this fundamental position, that only a fixed-price contract can be made. That only is in the interest of the country and anything else is not, is the categorical statement that you have made. Having made that statement I want to ask you, why you want to give so many quibbling argument about the price prevailing at that time, the projections of the probable movement of the price?, Why were all these arguments necessary at all? If you are so firm on that, you stand on your principle and say, "We are of the opinion that only a fixed-price contract is in the interest of the country, that anything else is bad and that it is not in the interest of the country. Therefore, we have done that." Have guts to say that. But you do not say that. You go on talking about all sorts of other considerations which made you to do this.

I will take them one by one. Then the question arises: Why was this law laid down? Why was this principle laid down by Mr. p. C. Sethi? Why did he make this change in such an important policy matter which has been in vogue for such a long time in this country, and which has been generally accepted by Parliament? In previous years the policy was that you decided on the basis of circumstances. Sometimes it may be fixed prices, but mostly it has been varying prices. When such a position has been there and when Parliament has generally accepted it, if a change in that policy is necessary, a proper discussion of that is necessary at least at the Cabinet level. But here is a Minister who does not even think it necessary to refer at least to the Prime Minister. Even the Prime Minister is bypassed and her Opinion is not also sought. Suddenly this thing is done. I cannot

imagine how a Minister can do this unless it be that there is a terrific pressure on him from some quarter. I cannot say which are the forces which have been pressing him to take such a decision. But unless there has been some pressure on that Minister from some quarter which I cannot pinpoint, I cannot imagine that any Minister will dare to take such a decision, such a fundamental departure from the policies that have been followed in this country for such a long number of years. Shall we continue after lunch?

MR. DEPUTY CHAIRMAN: You can conclude?

SHRI P. RAMAMURTI: If we continue after lunch, it will be better.

SHRI J. K. JAIN: Let him complete-

MR. DEPUTY CHAIRMAN: How much time will you take?

SHRI P. RAMAMURTI: I will take some time, but I would like to have some rest.

SHRI J. K. JAIN: He can sit down and speak.

MR. DEPUTY CHAIRMAN: What is the hurry?, We can continue after lunch?

AN .HON. MEMBER: Let us have lunch for half-an-hour.

MR. DEPUTY CHAIRMAN: Lunch-break will be for one hour. We can sit longer, even after 6-00.

सदन की कार्यवाही दो बजे तक के लिए स्थगित की जाती है ।

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

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

SHRI P. RAMAMURTHI: As I was pointing out the *obiter dicta* laid down by the Minister, the Government Itself, in the statement made by Mr. Shiv

Shankar yesterday also, reiterates the same point. It says on page 24—

"The Government considered..... that in variable price quotations based on escalation clauses on various types of formulae, the overwhelming factor was that our liability would be indeterminate."

This is the overwhelming factor which decides the Government policy. That is, in the case of a contract which is not of a definite nature the intermin-ate liability to the Government is the overwhelming factor which decides our policy. On the other hand on page 3 it says:

"The commercial expediency and prudence demanded that firm price contract was called for by a buyer when prices were at their lowest ebb whereas variable price contract deserved to be concluded when the prices were at the highest level."

How can you reconcile both these statements directly contradicting each other? That is why I said the Statement is full of contradictions. One cannot reconciles one statment with another statement. What is the principle you are going upon? Are you going upon this obiter dicta or are you going upon something else? I cannot understand the whole thing, whole question is: Do you follow this . throughout? Just on the 18th of January you called for tenders. Then on l'oth February the Minister decides, what I had said earlier the principle that it must be only a firm contract, a fixed price contract. But having decided that, the normal courtesy, the normal procedure, requires that you should notify all these people that the Government is not interested in a variable price offer and, therefore, if they are prepared to offer fixed price contract, then the Government will consider that. No. He doe, not do that. As a matter of fact it is admitted that in the tender notice of the 18th January, the people who tender could tender either for fixed price or variable

price with escalation and de-escalation clause, or a combination of both. This was the option given to them. Having given that, on the 15th the Minister decides that it must be only a fixed price thing. When you given them the option on the 18th, if you decide in favour of a fixed price contract, ordinary courtesy or procedure require that you should ask them: "Look here, are you prepared to give a fixed price offer?" You did not do it. On the other hand, the Ministry decides not to ask them to change it at all because if you change the price or the terms of the tender, the sanctity of the tender is gone. He is more concerned with the sanctity of the tender should always be protected and, therefore, he says he did not allow them "to alter that. But he can change the terms of the tender notice. This is something unheard of anywhere in the world. No Government in this world will ever do it. No businessman will ever do it. No municipality has done it, or will ever do it. Nobody does it, unless there is a particular design to give the contract to a particular party. Unless there is a determined design, you cannot expect any such thing. This behaviour cannot be explained under any circumstances. This is what I wanted be point out.

Is it a fact or not that Mr. Vohra, the then Secretary of the Department of Petroleum Ministry, had put up a counter note to the note of the Minister and he had argued there that we have still got to pursue the same old policy in the interest of the country. We have followed it in the case of our contracts with the Soviet Union, Iran and other countries, namely, variable price with escalation clause. Had he not argued in that note that the prices are likely to come down and, therefore, fixed price contract will not be in our interest? After his putting up that note, the Minister thought it necessary to carry the officers with him and for that purpose he called a meeting of the Secretary, the Joint Secretary in charge of Petroleum

[Shri P. Ramamurti]

Department, the Chairman of Indian Oil Corporation, and the Financial Advisors of both these organisations. He had a full discussion with them. In that discussion, the officers stuck to their position unanimously. They did not want a change in the old policy. Faced with such a situation and knowing full that this decision was a complete departure from the previous policy and it was totally opposed by the entire officers, what should he do? I do not say that the officers should not be over-ruled. It is my contention that the Minister has not got the right to overrule the advice tendered by the officers. I am absolutely certain that he has that right. But in conditions of this type when the entire officers connected with the subject are opposed to any drastic change from the change from the earlier policy, was not necessary for him to refer it to the Cabinet? Why did he not do it?

Then, Sir, immediately after that, the Minister goes and his portfolio is changed and, Mr. Veerendra Patil, takes charge of it. When he takes charge of it, the officers put up to him a proposal that this policy of fixed-price contract should be changed. And, Sir, Mr. Veerendra Patil thought it fit and necessary to refer the matter in his turn to the Prime Minister. So, the file goes to the Prime office. As far as that is concerned, I say that Mr. Veerendra Patil has done the correct thing and that confirms, that reinforces, my argument as to why his predecessor did not follow that policy, that procedure, at all and it also confirms my suspicion that certain forces, which are stronger and before which Mr. Sethi could not stand and which he could not resist, were responsible for Mr. Sethi taking this particular decision. As a matter of fact, you will see, from this statement itself that on the 6th of January, that is, about ten days before this tender notice was given,

you had contracted with Kuwaiti National Petroleum Corporation for a variable type of contract. This is what you have done and afterwards also you have entered into so many contracts and many of these contracts are only variable type of contracts. So, where is the question of your policy, firm policy that was laid down? I do not understand this at all. Therefore, only in this particular case, that firm policy has been laid down and the earlier policy has been violated. If it had been done earlier, I would not mind because it is a part of the then prevailing policy. But it has been done later. Can you tell me that after that, till today, this policy has not been changed finally, that no contract has been entered into for the supply of any petroleum product in this country, particularly the HSD oil, base, on variable prices with escalation and deescalation clauses? I am sure the Government dare not point that out. Therefore, Sir, this particular method" has been resorted to for this particular contract to favour this particular party. This is the gravamen of my charge.

Then, Sir, there are the other funniest things that you have now added and I will come to them now. It is with regard to the prices. With regard to the prices, a laborious argument has been made that the forecast of the prices by a group of petroleum economists in the western countries at that time was that the prices would be increasing. Now, what is that group? Nobody knows anything about it. You do not want to take the House into confidence. It is some group of people. Whether you call them petroleum experts or you call them oil experts, nobody else knows anything about them. Then, you also quote two newspapers, you quote the correspondents of two newspapers. One is "The Financial Express" and the other is "The Economic Times". You quote two correspondents. What are they? They are correspondents and they might be

made to write, induced to write—inducement can be by any means—.

AN HON. MEMBER: Can be compelled to write.

SHRI P. RAMAMURTI: Yes. But it does not matter here because inducement can be by any means. But I am not saying that it is by monetary inducement. Even brainwashing can take place and anything can take place. After all, who are these people? Are they all experts in petroleum products? You quote them. These are all you people and you quote them. That is all that I would like to say.

Now, the funniest part of it is that Mr. Veerendra Patil thought it necessary to refer the matter raised by the officials, that the policy must be changed, that the fixed-price contract policy must be changed, to the Prime Minister for her advice and for her final direction. The Prime Minister might have thought, "Since this is a fundamental policy, let me convene a Cabinet meeting.", and the Cabinet might have discussed it. I do not know what happened. At any rate, on record we find that the file did not go to the Prime Minister at all. I would leave it at that. Now, Sir, the strange thing is that when the officials of the Petroleum Ministry referred it to the Minister for a change in this and then the Minister referred it to the Prime Minister, for full 2 1/2 years, till fortify, nobody thought of pursuing the matter, involving a fundamental policy question. It was a fundamental question of policy raised by a Minister, by the officers of the Ministry. After sending it the officers did not raise it. The Minister does not lift a little finger. After sending it to the Prime Minister's office, nobody in the Prime Minister's office, for two and a half years, has bothered about it till it comes today. Even before the Committee on Public Undertakings this question did not come up. This is strange. What am 883 RS—8

I to make of it. Is that the way Government functions? You forget about it. The officers concerned in your Ministry, after Mr. Veerendra Patil departed and you Mr. Shiv Shankar, had come over, did not tell you that they raised this, please pursue it. What is this wonderful way of functioning? Therefore, Sir, can anyone in the world believe such a statement that these Government officials are such that they did not pursue or asked them to pursue a question of fundamental policy? I cannot believe this. People will talk about it as a cock and bull story, a concocted story. This is all I can tell you.

Then, Sir, I would talk about the prices of High Speed Diesel, about which they waxed eloquent. Mr. Sethi himself had depended upon Oilgram, Singapore. According to that, the prices at that time were as follows—I quote:

	per metric tonne
28-12-79	\$ 388.42
9-1-80	\$ 382.11
22-1-80	\$ 369.47
31-1-80	348.95
13-2-80	339.47
27-2-80	333.16

SHRI PILOO MODY: What are you reading from?

SHRI P. RAMAMURTI: I am reading from an extract from that paper.

SHRI PILOO MODY: Put it on the Table.

SHRI P. RAMAMURTI: Not necessary.

SHRI J. K. JAIN: You can dump it on the Table of the House.

SHRI PILOO MODY: Any things that is questioned here must be placed on the Table. That is the law. *(Interruption)*

SHRI P. RAMAMURTI: Now, Sir, during the one and a half years—one

(Shri P. Ramamurti)

year and four months—the prices, having come down from \$ 388.42 on 28-12-79 to \$ 333.16 per metric tonne on 20-2-80 \_\_\_\_

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): That That comes to one year, two months.

SHRI P. RAMAMURTI: I accept your correction.....

SHRI PILOO MODY: And his connection. ... (*Interruptions*)

SHRI P. RAMAMURTI: Therefore, the prices came down by \$ 55 per metric tonne and they have been falling during these months. This is the major factor to be taken into consideration. You do not quote all these things. This is an authoritative paper. Mr. Sethi has himself quoted this in all his notes. But you did not quote this. You depend on the Financial Times correspondent or the Financial Express or the Economic Times correspondents; they are your authorities. What can we make of it? Therefore, is it not suspicious that something is wrong something is rotten in the State of Denmark?

Then, Sir, if you take this statement, your own statement points out:

"The remaining offers in response to the tender notice of 19 1-80 were based on variable prices with base prices varying from about US\$323 to US \$ 409 per tonne \_\_\_\_"

They were the offer based upon variable prices. Fixed prices were different. Fixed prices offers were 350 dollars to 409 dollars per ton in response to the tender notice. Suppose you have got an increase of 50 dollars in one year. You are not purchasing all the contracted oil at a time. You are purchasing that at different times. The supplies are made at different times. Therefore, during a period of 9 months, the increase would be by 40 dollars even if you assume that for one year, it has increased by 55 dollars. Even then you would not have been a

loser. On the other hand, we would have been a gainer. According to you, we have lost 9 crores of rupees to KUO. Otherwise, we would not have been losers at all. Therefore, even this, argument contains no point. Therefore, your justification flies against the facts existing at that time.

I told you about the file. Now, why did that file disappear afterwards? That was such an important file in which a policy decision had been taken. Why did it disappear? And why did nobody bother about tracing it? It was an important file because an important policy decision had been taken. Therefore, the story does not sound convincing. There is something wrong somewhere. I will not say anything beyond it. I am not a person who goes on saying things without knowing facts. Therefore, I do not want to say anything about it. On the fact of it, it did not go to the Prime Minister. Then why did all the people keep quiet? I cannot understand it.

The fact is that the people in this country are very agitated. You are under a cloud and the cloud is getting thicker and thicker and blacker and blacker day by day. You may dismiss it as one of your party members did in the other House yesterday saying that after all Mr. Arun Shourie is a yellow journalist. But I would like to remind you that the revelations of this "yellow" journalist in the last session proved to be correct in a court of law and the stout defence put up by my friend, Mr. Venkataraman, his zeal and his gusto with which he put up that defence proved false.

AN HON. MEMBER: In the bargain, he lost his job also.

SHRI P. RAMAMURTI: That gusto and that zeal were worthy of a better cause. That is all I would like to say. It is an unworthy cause for which he showed that zeal. It was an unworthy cause for which Mr. Salve showed that zeal. Remember that. He may regret it now.



Sir, I would like to point out that the Haryana Government and the Government in the Centre also said that bonded slavery has been completely abolished or bonded labour has been completely abolished. The Supreme Court, the other day, appointed a commission to go into the Question of bonded labour in Haryana and the report of this Commission after verification on the spot has been placed before the Supreme Court saying that the bonded labour is continuing in an atrocious manner....

SHRI PILOO MODY: All over India and in Parliament.

SHRI P. RAMAMURTI: The Haryana laws, the Central laws and the other minimum wages laws have been violated. That is what is stated. Therefore, people do not take your statement at your word. That is what I want to point out to you. The Public Accounts Committee of Karnataka Legislature points an accusing figure of corruption against the Chief Minister. And the Chief Minister simply denies everything. The Public Undertakings committee's Report, which Committee has on it an overwhelming majority of members. Even your party, has unanimously said that your Ministers are corrupt and day after day this is being repeated. Now a days you find in the press that your own members, Members of your own party, belonging to various Legislatures! are brandishing about corruption charges against Chief Ministers and other Ministers. It is happening in Maharashtra, it is happening in Orissa and it is happening in Andhra, in Bihar. Everywhere this is what is taking place and you are not in a position to do anything about it despite the Prime Minister's muzzling, trying to muzzle them. She exhorts them and threatens them also. "Do not come out in the open, you send it to me." Despite all that all these orders are being broken and your own Members are coming out with charges

of corruption against your own Minister. *(Interruptions)* Under these circumstances, Sir, you are under a cloud. I am only sorry for my friend, Mr. Shiv Shankar for fathering somebody's baby. I do not know why he should father somebody's baby.

SHRI PILOO MODY: It arises out of illegitimacy *(interruptions)*.

SHRI P. RAMAMURTI: Fathering somebody's baby is, of course, illegitimacy not on his part but on somebody's part. Therefore, Sir, in order to remove the cloud in your own interest, in the interests of good administration in this country, in order that the common people in this country do not lose all faith in public morality and in the Government's probity, in order that people in this country can still hope that things can be rectified, I would urge upon you with all.....

SHRI PILOO MODY: Humility.

SHRI P. RAMAMURTI: Not humility; with all the poignancy that is in my heart at this time, when I see the values that were being cherished during the struggle for freedom for 100 years are now being shattered bit by bit, and the moral fabric of this country is being faltered. I would urge upon you to appoint a public commission, a high-powered commission, consisting of Members of this Parliament, who can question all the officers intensely and incisively and find out what is the truth in all these things.

SHRI PILOO MODY: You may ask Mr. Salve to defend this thing now.

MR. DEPUTY CHAIRMAN: Yes, Mr. Salve.

SHRI N.K.P. SALVE: Mr. Deputy Chairman, Sir, this is the first happy..

SHRI RAMAKRISHNA HEGDE (Karnataka): Great occasion.

SHRI N.K.P. SALVE: This is the first major speech I have heard from Shri P. Ramamurti after his illness.

[Shri N. K. P. Salve]

Sir, it delights all of us to see Shri Ramamurti participating again in the proceedings of this House. With his abilities, his talents and his experience his participation contributes tremendously to the proceedings of the House.

- We wish him all luck.

However, his two assumptions on facts are utterly erroneous. The first one is a minor one and that was with reference to the debate that had taken place here in connection with the exemption certificates given under the tax law to some trusts in Bombay. At that time it was made clear that the issues which were involved in that debate were entirely different and the issue which was the subject matter of adjudication by the Bombay High Court was different. In fact, that was the reason why it was allowed to be debated here and what Mr. Venkata-raman and I defended here and what I maintained correctly was that the validity of the exemption certificates given under the tax law, we maintain they were validly given, and they are valid today....

SHRI PILOO MODY: You cannot defend the oil deal and you are defending. Antulay still (*Interruptions*).

SHRI P. RAMAMURTI: Will you allow me a minute? I would like to remind Mr. Salve that Mr. Venkata-raman then defended not only the tax question but he was also defending the fact....

SHRI LAL K. ADVANI (Madhya Pradesh): The Trusts.

SHRI P. RAMAMURTI: .... of begetting of that donation. That also he defended and said "there is nothing wrong in that". If you want you go through that speech. This is what I attack.

SHRI N.K.P. SALVE: I am speaking both about myself and about Mr. Venkata-raman. If you look at the motion which was brought in, it was only challenging the validity of the exemptions

which had been given under the tax law.... (*Interruptions*). That is incorrect. That is your view of the matter; you are entitled to disagree. That is what we have done, and we maintain it. Sir, under the bliss of one's ignorance, one is entitled to a view that one wants to have. I am entitled to my view, and I maintain that they were correct; they are correct even today. Let that be challenged in the High Courts or the Supreme Court. That will stand. Hundreds of cases have come of that nature in the courts. But that is not the issue.

The extremely important point is with reference to obiter dicta which Mr. Ramamurti referred. He says, this decision was taken not for this transaction but for all time to come, as though Mr. Sethi had taken a decision that we will never go in for price variable formula and always would adhere to the fixed price formula.

And this obiter dicta that without there being the authority, he seems to perpetrate and perpetuate this sort of improper policy for the officers to follow, is not a correct assumption of facts. Mr. Sethi did not make any such order or any such policy for all time to come that for all time to come it is only this formula—one or the other—that will remain, and that is fairly borne out from the report of the COPU which says that the Minister observed that commercial expediency demanded that firm price contracts be entered into by the buyer when prices are at their lowest whereas variable price contract should be concluded when prices are at their highest level. Since he thought that the prices had struck lowest bottom at that time, it was the fixed price formula which was beneficial to the interest of the country. Now whether or not his judgement was correct, to that I shall come a little later.

For long years that I have been associated with this Parliament—nearly 21 decades—I have noticed that debates have been allowed in the two

Houses with great amount of unreasonable regularity in which members are afforded an opportunity to level charges of corruption either against men in public life or against their close relations. My own experience of participating in these debates or of listening to these debates has indeed never been too gratifying because a parliamentarian sometimes—I suppose, Sir—has to live through all sorts of debates which might come. Undoubtedly, in this connection, there have been often debates regarding corruption in which a strong warning had been taken to the corridors of power to cleanse and to ensure that there is purity and probity in public life. Undoubtedly, those debates have served that purpose. They have sometimes struck that warning into the corridors of power. But often than not, these debates have come about on allegations and assumptions, which are entirely baseless ill-founded and they reduce the debate to a formality, if I may say so, a political shenaniganism in which there is not merely a waste of the time of this House but also waste of public money.

Sir, I have looked into these debates with some detail and I would put them in three categories. Let us find out in which category these debates fit in.

First is where specific charges are levelled in precise, unambiguous language and while levelling these charges, there is some indication of evidence which would *prima facie* establish the guilt or culpability of the person against whom charges have been levelled. Such debates, I have no doubt in my mind, strengthen the very institution of Parliament, furbish its image and creates a salubrious climate for ensuring probity, for ensuring purity and ensuring honesty in public life.

There is a second type of debate where the charges are levelled on the basis of surmises, on the basis of conjectures and then the debate is taken into the realm of absolute suspicion. When it is taken to suspicion, I submit with great respect to my friends

on the other side, it is unfair that on the basis of suspicion only, any type of character assassination should be made, because the entire *modus operandi* of character assassination is extremely pernicious, extremely de-litrious, entirely counter-productive so far as efforts in nursing and nurturing the foundations of Parliamentary democracy are concerned. This is the second category which needs to be avoided. And the third category is, where the charges are reckless, they are vague, they are general charges where the entire spectacle is nothing short of utter political ... (*Interruption*),

SHRI PILOO MODY: Like the Kanti debate? Was it 36 charges or 42 charges?

SHRI N. K. P. SALVE: Sir, there was one gentleman who was participating in the Kanti debate and this gentleman who was participating in this debate himself had enunciated certain propositions. He formulated certain tests and criteria and this gentleman concerned—I will quote him—should apply them to this debate. This great Parliamentarian said in the Kanti debate;—

"Nevertheless, having been endowed with some common-sense ....." "

This is arrogating to himself certain extraordinary qualities which he thinks the other Members of the House do not have.

".... which is a very rare commodity, I have been trying now for a long time to try and see if something hits the ear which one can numinate and say 'Yes, there is some justification for all this hot air.'"

Further, Sir, this wise Member said:

"What he says could be made up for any of them. I can make a chargesheet like this and slap it on every single one of them. My dear fellow, I would have been happy if

[ Shri N. K. P. Salve]

you could have produced something of substance."

This gentleman further said:

"I would very much like to see corruption exposed but I very sincerely object to the very thing being turned into a political issue."

And in the end, he says:

"But the fact of the matter is, this is a serious business. Corruption charges brought against people is a serious business which cannot be turned into a political propaganda. Whether or not..."

SHRI RAMAKRISHNA HEGDE: If Mr. Salve yields..... (Interruptions)

SOME HON. MEMBERS: No... (Interruptions)

SHRI P. N. SUKUL (Uttar Pradesh): This cannot be allowed. (Interruptions)

SHRI SADASHIV BAGAITKAR (Maharashtra): He is yielding. (Interruptions).

SHRI PILOO MODY: You do not know what is Parliamentary debate. (Interruptions)

SHRI P. N. SUKUL: We know, (interruptions)

SHRI PILOO MODY: Whatever else you may know, you should not be here. (Interruptions)

SHRI RAMAKRISHNA HEGDE: Thank you, Mr. Salve. That is what is expected of you. Sir, may I also quote another great Parliamentarian?

SHRI N. K. P. SALVE: That is unfair. (Interruptions)

SHRI RAMAKRISHNA HEGDE: "But you are talking of proof at this stage... (Interruptions)

SHRI J. K. JAIN: Sir, I am on a point of order.

SHRI RAMAKRISHNA HEGDE: Sir, this is what Mr. Salve has said..

MR. DEPUTY CHAIRMAN: This is not proper. Mr. Salve, you please proceed.

SHRI PILOO MODY: Mr. Salve, this you must listen, (Interruptions)

SHRI N. K. P. SALVE: Sir, he will understand my submission. I am not yielding on this. You will have your turn.

SHRI RAMAKRISHNA HEGDE: You do not want to know what you said?

SHRI N. K. P. SALVE: You will have your turn to say that.

Sir, what is the test? This wise gentleman, this wise Member, with plenty of commonsense, what he has laid down? Kindly do not make any charges and slap it on to anybody's face; let there be something of substance. Here, Sir, the legal concept has to be taken. There should be some direct evidence to indicate that there is something shady about this deal, something has been done surreptitiously and something had passed under the table. Otherwise, it will be just like saying that whenever a transaction takes place, and there is loss in that transaction, then, we are going to smell a rat; not only we are going to smell a rat, but we are going to have a debate here and pillow; the man concerned. This is not what is done. It was not so in the Kanti case. Specific charges were levelled. Not only specific charges were levelled, but these were vindicated by a Supreme Court judge who said 'Yes; there is something in these charges'. He said 'there was tax fraud committed by Mr. Morarji. Desai's son. that there was clear evidence that Mr. Dharma Teja was allowed to go at the behest of Mr. Morarji Desai under the signature of Mr. Shankar.' He said "Therefore, there is (June some evidence, there is quite some basis on which further investigations must go on'. This Mr. Pillo Mody

calls throwing charges and slapping on somebody's lace. What is the evidence in this? (*Interruptions*) This is Mr. Pillo Mody. I am quoting Mr. Pillo Mody and I am returning it with this compliment, 'do not have double standards; apply the same standards if you are capable of I really hope, he will now think that he wish he never talked Of common-sense. Sir, coming to the facts of the case, let us juxtapose the facts. Mr. Ramamurti has gone aw;-y. He is the one man who is capable of understanding what we have to submit.

SHRI PILLO MODY: Kindly tell him privately. Why are you wasting our time?

SHRI NIRMAL CHATTERJEE <West Bengal>: Why insult Mr. Ramamurti in that manner? (*Interruptions*)

SHRI N. K. P. SALVE: I have no intention of complimenting you. Let us juxtapose facts with the gravamen of the charge and see whether they too have any legs and what are the facts that have come on the record? And what is the gravamen of the charge? As far as I have been able to understand, so far as gravamen of the charge is concerned, it is this. Mr. Sethi defined the Secretary and directed the IOC to enter into a long-term contract for purchase of four to five lakh tonnes of HSD from Kuo Oil Company of Hong Kong on fixed price basis instead of variable price basis, which resulted in national loss to the Government.

SHRI RAMAKRISHNA HEGDE: Notional?

SHRI N. K. P. SALVE: On a matter of concepts of loss, profits and other things, Mr. R. K. you will have to take my word. It is a notional loss. It is computed on the paper that if it had not been so, it would have been this. So, that is the notional loss.

So far as second part is concerned, the gravamen of the charge is that the untraceability of the relevant file at the P.M.s, office for a while leads to the interference that the deal made by Shri Sethi was shady and that the P.M. tried to whisk the file away to destroy the evidence of a shady deal. This was the gravamen of the charge. NOW let us see to what extent the facts of the case establish any nexus, to what extent they support, to what extent those facts justify as a foundation to come to this sort of a charge.

Let us come to a fixed price formula *vis-a-vis* variable price formula. Mr. Ramamurti spent a considerable amount of eloquence explaining how the fixed price formula was deleterious, undesirable, unprofitable so far as the country's interest was concerned. This is not the first time and the last time that a fixed price formula has been adhered to. COPU went into the matter in great detail and said that in 1976-77, 1977-78, 1978-79 there were at least five occasions when contracts were entered into with an overseas supplier on a fixed price basis for supplies to be made for a long-term period. Whereas there was a loss to IOC of about 98,000 dollars in the first two contracts, the remaining four contracts are stated to have resulted in a gain. So, there have been notional gains, there have been notional losses on similar contracts entered upon earlier in respect of a purchase of HSD. So, this was not the first time that Mr. Sethi entered into this contract. But why? Why Mr. Sethi alone? I am making this statement on the floor of the House and I would expect the Minister of Petroleum and Chemicals to reply. Sir, during the period 1971-1980 when plenty of foreign exchange had been frittered away for paying the price of large many imported goods. Cement, edible oil, steel, aluminium and fertilizer had been imported on fixed price basis and if done by men of highest of integrity.

IShri N. K. P. Salve]

Who are these men of highest of integrity? Shri Biju Patnalk imported, Shri Bahuguna imported, Shri Jagji-van Ram imported, Shri Ravindra Verma imported. These eminent men with highest of integrity are involved in this sort of a contract in which if some exercise is made, loss will be found it. (Interruptions).

MR. DEPUTY CHAIRMAN; Mr. Hegde please have patience.

SHRI RAMAKEISHNA HEGDE: Did they overrule...

SHRI N. K. P. SALVE: That is not the question. Therefore, so far as the fixed price formula is concerned, there is nothing wrong in it, it has been prevalent all throughout. Not only has it been resorted to in respect of oil transactions, but also in respect of large many other items like cement, edible oil, steel, aluminum and fertilizer. Janata Party people have entered into similar transactions and in similar transactions there is national loss, resulted to the Government of India. We never made accusations against this. Just as disgruntled officials are going to them, officials, disgruntled officials had then come to us also for this sort of a thing. We never raised this question at that time.

SHRI PILLO MODY: All parliamentarians.

SHRI N. K. P. SALVE: There is a certain degree of sanctity which must be attached to a bonafide decision which a Minister takes, a bonafide, valid decision based on very sound commercial principles based on commercial prudence and business expediency. If it is so taken, it must not unnecessarily be challenged and for that the Minister must not unnecessarily be pilloried mainly because as a consequence of that, there is a loss.

I shall now come to the question of the dissenting note of the Minister as such. The Secretary himself accepts on principles and in his note he does not say that you should not go in for the fixed price formula. This is what COPU in turn says. What he said has been brought out by COPU: It is erroneous and wrong to say that he outright rejected the entire fixed price formula. All that the Secretary said was this: Whether products phased at a fixed price, or at prices with escalation or de-escalation clause is a commercial judgement and would be influenced by market conditions of supply and demand prevailing from time to time. In the present situation a fixed price in long-term delivery does not appear to be in our interest. It is not as though he said that this sort of formula has to be discarded, but he said, kindly make a judgement on the basis of commercial expediency, let it be value judgement in the context of the varying market conditions, the behaviour of prices, and then come and determine whether we should opt for one option or the other, whether we should go in for fixed price or variable price formula. According to his value judgement, it would be beneficial if at that juncture we want in, we adhered to the variable price formula with escalation and de-escalation clause and did not adhere to fixed price formula.

After that, it was not an arbitrary decision immediately. On the 19th, a meeting was summoned and the matter was discussed, because after seeing the Department's note the Minister recorded in the file on the 19th that Chairman of the IOC, JS In-charge of the subject in the Department, JS (EF&A) in the Department of Petroleum, Joint Secretary in the Department of Economic Affairs and the Finance Director of the IOC should discuss. And all of them did discuss to evaluate this particular fact, when these two options are open, whether the market conditions, as they were prevailing that day, would

justify the option in favour of the fixed price formula.

When we come down to this, now either a Minister must barter away his judgement entirely to a bureaucrat and must accept whatever he says as the gospel truth, or if that is not so, what is the way out? *(Interruptions)* I think there is nothing very humorous about it. Invariably the Opposition lays down the charge against the Minister: "You are being drawn through the nose by the bureaucrats. You are not applying your mind". If the Minister after receiving the note does not jump to a conclusion... *(Interruptions)* if you want to listen to our arguments, you may do so. You will have your turn. We did not laugh away the arguments put forward by Mr. Ramamurti. May be it is not your prerogative to be right always. Sometimes someone else may also be right. My submission, therefore, is that the Minister rightly called a meeting and talked with people connected with this contract entered into a discussion with them and ultimately he made up his own mind whether he should accept the advice of the Secretary, or seeing the entire market condition, seeing the variation in the prices, seeing the behaviour of the prices, come to the decision that at that juncture it was beneficial to the interests of the country to go in for fixed price formula.

Now what are the factors which weighed with him—and they are very cogent factors? Any man possessed of rational faculties would have been taken to this judgement to which the Minister was taken and if the judgement is perverse. I am willing to concede that one can draw the inference of *malafide*. But if the judgement taken by him is a judgement which is valid, which is rational, only by the dictum that subsequently some loss has been sustained nationally, is no ground for condemning a Minister, or trying to find fault with a Minister, or smelling a rat in the transaction.

SHRI RAMAKRISHNA HEGDE: Why was the Empowered Committee bypassed?

SHRI N. K. P. SALVE: When I was on the question of fixed price formula versus variable price formula, at that time they spoke of the Secretary's note. Now that I have dealt with the Secretary's note, Mr. Hegde refers to the missing file. I will come to that later. If the missing file is the only case, I shall come to that.

SHRI RAMAKRISHNA HEGDE: Why was the Empowered Committee bypassed by the Minister? *(Interruptions)* "...

SHRI SYED SIBTEYRAZI (Uttar Pradesh): Why was the Cabinet ignored when gold auctions were decided?.. *(Interruptions)*...

SHRI PILLO MODY: On this question you can table a discussion. ... *(Interruptions)* ...

SHRI N. K. P. SALVE: Sir, I do consider this House is sitting as a judge on certain very important matters. It involves the question of certain very serious allegations having been made against a Minister. Any one with a medium of knowledge of criminal jurisprudences would know that a degree of bias and prejudice, to start with, is a very unfortunate thing ... *(Interruptions)* ... You listen to what I have to say in the matter. Nobody has asked you to necessarily agree with it. But the attitude which you are taking indicates that you have already made up your minds and you are not willing even to listen to what I have to say.

Sir, I was submitting that there were very cogent reasons very valid reasons, very weighty reasons and any man possessed of his rational faculties in the place of Mr. Sethi would only have taken the decision which he took. ... *(Interruptions)* ... I am coming to those reasons. Mr. Sethi came to the conclusion that the prices had hit the rock bottom. On a study of the behaviour of the prices—because COPU also refers to it

[Shri N. K. P. Salvo]

that the prices had slumped by sixty dollars..

SHRI RAMAKRISHNA HEGDE:  
Continuing ... (*Interruptions*)...

MR. DEPUTY CHAIRMAN: Have some control over yourself.

SHRI SYED SIBTEYRAZI: We are surprised to see Such a senior Member behaving like a notorious boy in the class. (*Interruption*)...

SHRI N. K. P. SALVE: Sir, COPU itself has said that the prices dropped by sixty dollars per metric tonne and they climbed up by four to sixteen dollars. This is one reason. COPU said it: I am reading from COPU. I cannot commit a breach of privilege of the House despite the great mockery which has been made of the privilege. Nonetheless, I am quoting from COPU. (*Interruptions*)... This is on page 24, Sir. "Posted prices in the Mediterranean AG/PG, Singapore, did show an increase in the days preceding the date of the decision". This is what the COPU said. The prices of Mediterranean AG/PG^ Singapore, showed an increase. After having slumped, it increased by four dollars, then it increased by sixteen dollars.

SHRI R. R. MORARKA (Rajas-than): Sir, I do not want to interrupt but I want to correct my hon. friend. COPU has only summarised the evidence before the Committee. These are not the views of the COPU. So, he should not misquote COPU. COPU did not come to these conclusions COPU only summarised the evidence which was placed before it.

SHRI N. K. P. SALVE: Sir, my distinguished friend is not only a parliamentarian far more senior to me but he has a very distinguished record as a parliamentarian. What was COPU doing when the evidence was laid before it? When COPU was taking the evidence, do we take it that COPU

will take as gospel truth any wrong stated by the officers? (*Interruptions*) ... After all, yes they were marshalling evidence. What has come about by marshalling the evidence? That is precisely my case. COPU says evidence had come before it, as pointed out by Radheyshyamji, that the posted prices of Mediterranean AG/PG, Singapore, did show an increase. Sir, this is a finding.

SHRI R. R. MORARKA: No, no. This is not a finding.

SHRI N. K. P. SALVE: This is a finding of the COPU and it is no use going back. Therefore, the prices had slumped. Then they were going up. (*Interruptions*) ...

MR. DEPUTY-CHAIRMAN: Order please.

SHRI N. K. P. SALVE: Sir, I have repeatedly said that they are entitled to their views and we are entitled to our views. But this is a finding. (*Interruptions*) Ask anyone in the judicial process whether it is a finding or not.

Then, Sir, the comments of the *Economic Times* are just ruled out. His comments about those people were: What authority do they have? They must have been induced to give it. Sir, this is absolutely an untenable proposition. Would anyone induce someone to give something in the *Economic Times* in the year of Lord 1980 in the month of February so that in the Year of Lord 1982, on 29th July, Mr. Salve or Mr. Shiv Shankar or any one of our Members will be able to make use of it? Is it his position? What does the *Economic Times* say and so far as the *Economic Times* and the *Financial Express* are concerned, they are esteemed journals of the country on financial matters. If they do not know anything about it, can anybody who is not conversant with the subject know anything? The *Economic Times* says:



"In the past I.O.C. had bought at firm prices when the international prices were at their peak but a case is being made out-----"

Now this what the Secretary says:

".....but a case is being made-out that because of the past experience contract should be concluded on a variable price basis. Currently international price for diesel and kerosene is at its lowest ebb, and it would have been wise for the Government to purchase on firm price basis <sup>from</sup> lowest bidder and take advantage of international situation of the whole year."

Similar was the comment in the *Financial Express*.

SHRI RAMAKRISHNA HEGDE: Read it. Please read it.

MR. DEPUTY CHAIRMAN: Why are you disturbing every time? (*Interruptions*)

SHRI N. K. P. SALVE: Just two lines I will give.

"The Indian Oil Corporation is understood to have tenders for import of 5 lakh tonnes of high speed diesel and 3 lakh tonnes of kerosene on the basis of the escalation formula basis. The Indian Oil Corporation for some unknown reason is insisting on orders to be placed on an escalation formula basis. It is only countries like Kuwait, Iraq, etc. that are buying on escalation formula basis whereas a large percentage of the purchases made by other major countries in the world are based on firm price basis so as to keep the liability pre-determined."

Sir, these are not stray journals which are financed by my party or which are financed by Mr. Sethi. They give an evaluation of the behaviour of the prices in the international market. The overall position

at that particular time was that the largest supplier of oil, Saudi Arabia, due to slump in prices, as everybody knows, had announced a cut in its production.

Over and above this, there is a journal taken out by Petroleum Economics Limited. The journal in its issue of January-February, 1980 on the oil industry development has voiced a similar view, that the prices have hit the lowest, now all the countries are going to import less and that the oil producing countries have cut their own production and take measures, as a result of which prices will start going up.

If these be the views before the Minister and what is more there is a note of a Secretary, I think Mr. Sethi has acted in the interest of the nation and he deserves our congratulations for taking a bold decision in this matter. (*Interruptions*) Sir, I regret very much that after this House passed a Resolution seeking appointment of a commission on corruption charges which had been subsequently found to be *prima facie* justified by the Supreme Court, many of these Members saw to it that the constitution of the commission was thwarted. Such has been their concern for corruption. Today they are behaving in a manner which would not be befitting a person who is having a matured outlook. We are taking it seriously, and we request you to kindly take it a little more seriously than you have been taking it so far.

[THE VICE-CHAIRMAN, (DR. RAFIQ ZAKARIA) in the Chair]

Therefore, Sir, whether it is a question of fixed-price formula or variable-price formula, the market conditions at the time when the contract was entered into were such that warranted the option of the fixed-price formula. Mr. Sethi has come

[Shri N. K. P. Salve]

out absolutely in flying colours, which is borne out by the international journal, by the *Indian Express*, by the *Economic Times*, by the facts given by COPU. Therefore, what remains, Sir?

SHRI ARVIND GANESH KUL-KARNI (Maharashtra): Nothing remains.

SHRI N. K. P. SALVE: Sir, the judgement exercised by Mr. Sethi was a judgement honestly exercised, and he acted in pursuance of such a judgement. Does the mere fact that the prices further slumped during certain period by 2 to 3 dollars go against Mr. Sethi?

Certain comments were made about the statement, which were unnecessary, that it was wrong, this and that, I personally consider this statement to be very brilliant for the simple reason that it is not merely lucid, it is not merely clear, but I think it makes a very objective evaluation of the entire thing. The statement says that while between March and December, 1980, under the February contract Kuo Oil supplied 511,000 tonnes of HSD at a price of US \$ 353.50 per tonne, as much as about 520,000 tonnes had to be purchased at a price higher than \$ 353.50. Such is the unpredictable price of oil in the world market, and you are trying to pin down Mr. Sethi for having taken that decision incurring a loss which is a national loss. Losses have been incurred by the Janata Party in the import of cement and other items, and in the import of oil itself, such losses have been incurred. Therefore, Sir, there is not an iota of substance and no brain whatsoever in the contention that the judgement of Mr. Sethi was wrong or that the order given by him that the fixed-price formula should be adhered to was improper. In fact, not to have done it and to have kowtowed the line laid by the

Secretary would have been letting down the country, would have been a treachery against the country.

Let us come to the missing file. There is a very important statement made.

SHRI RAMAKRISHNA HEGDE: Mr. Salve .....

THE VICE-CHAIRMAN (Dr. Rafiq Zakaria): Mr. Hegde, please.

SHRI RAMAKRISHNA HEGDE: He has no objection.

THE VICE-CHAIRMAN (Dr. Rafiq Zakaria): Your side will have an opportunity to reply to every point . . . (Interruptions) I am sorry, Mr. Hegde, will you please sit down? I am not going to allow this kind of interruption.

SHRI N. K. P. SALVE: There is a very important point. If the position stated by Mr. Shiv Shankar is incorrect, he will take all the consequences of it. He has stated:

"As the position stands, the file was neither brought to the notice of the Prime Minister nor her orders or directions were sought thereon. Notwithstanding the fact, the Committee on Public Undertakings was informed about the availability of the file on 5th April, 1982, they did not choose to summon the production thereof."

Nothing is known about the existence of this file to the Prime Minister. The statement is made on the floor of the House.

SHRI ARVIND GANESH KUL-KARNI: It was not sent for that purpose at all.

SHRI N. K. P. SALVE: There is not an iota of evidence to indicate that the Prime Minister knew the existence of the file. If the Prime Minister herself does not know about the existence of the file, if the file

was misplaced, and later on it was available on the 5th the COPU was told that the file was available but it was not summoned, are they smelling rat in the missing of the file?

SHRI RAMAKRISHNA HEGDE: Sir,....

THE VICE-CHAIRMAN (DR. RAJENDRA ZAKARIA): Mr. Hegde. please. Mr. Piloo Mody is the next speaker. He is competent enough to deal with all these points.

SHRI N. K. P. SALVE: Of all the people. I do not expect Mr. Hegde to disturb. He is a gentleman otherwise outside the House.

My respectful submission is this. What remains in this case of this missing file has absolutely no bearing of a shady deal of transaction because if the Prime Minister had known about, it one could have said it.

So far as the fixed-price formula is concerned, it is something which has nothing to do with Mr. Sethi. So far as the reasons for adhering to that as against the variable formula is concerned cogent reason have been given. What is it that is shady about the deal?

My respectful submission in the end is that this is nothing but a terrible spectacle of political gimmickry. The motion moved is not worth the paper on which it has been written, and it should be dismissed lock, stock and barrel. Thank you.

THE VICE-CHAIRMAN (DR. RAJENDRA ZAKARIA): Mr. Piloo Mody.

SHRI R. R. MORARJA: What is the motion moved?

SHRI ERA SEZHIYAN (Tamil Nadu): What motion has been moved?

SHRI PILOO MODY: Doesn't matter. Mr. Salve has just moved a motion and rejected it. What I would like to advise my good friend. Mr.

Salve, is that he does not need any modicum of knowledge; he needs a modicum of intelligence.

THE VICE-CHAIRMAN (DR. RAJENDRA ZAKARIA): Mr. Mody. please address the Chair.

SHRI PILOO MODY: I am addressing you. All remarks that will reach Mr. Salve will only go through you, Sir. It will go very easily, first through this ear and then through the other ear because there is nothing to stop it in between.

To begin with, let me read out a few notices of condolence because I think it is a sad occasion for the hon. Minister for Oil that he has to come and defend a deal of which he had no part and certainly no share. I think it is a great tragedy. I have great regard for my hon. colleague across the benches. He has been given a very difficult task to perform a very difficult purpose, and the poor fellow is more or less in the same situation that my other good friend, Mr. Venkataraman, was on the Antu-lay affair. However, it is significant. Sir, that whenever these debates come to the floor of the House, we have the same people who are on the side of the defence. Who is the great defender of the faith? My good friend. Mr. N. K. P. Salve, who, as just said, does not need a modicum of knowledge but a modicum of intelligence. And then who is there to back him up? Sitting behind him is my good friend in dark glasses. He is always there to get up and make irrelevant statements. And then there is my good friend, Mr. Jain, always smiling away with his bunny teeth, always there to defend the indefensible.

All the people that we are talking about and all the people who have been mentioned, in my opinion, are very very honest, decent people. I do not know why Mr. Salve was defending Mr. Sethi. Nobody has attacked him. He has not been mentioned in the Committee. He has not been mentioned anywhere. Nobody has said

[Shri Piloo Mody]

that he has done anything that is wrong, that means, wrong from the point of view of having taken anything that is illegal out of the affair. So I do not know why he was defending him. Take the Secretary of the Oil Ministry at that time when the deal went through, Mr. B. B. Vohra, a man of impeccable integrity. Take the Oil Secretary today, a man of impeccable integrity. I do not know what is all this defence about.

SHRI N. K. P. SALVE: The problem is with you only.

SHRI PILOO MODY: The problem, my dear fellow, is not with me. It is with the fact that even Mr. Sethi, whom you defended so much—a very honourable man, Mr. Sethi, if he has to steal a crore of rupees, he will not keep a penny for himself—he is the most honourable of the whole lot of honourable friends. But the villain of the piece has not been mentioned at all. It has been a high conspiracy to hide the real culprits to put those poor fellows in the dock. Take Mr. Veerendra Patil who was Minister Interregnum, as I call him. After all, Mr. Sethi was the genius of the oil purchasing world. I do not know why he was fired and Mr. Veerendra Patil put in for 7-1/2 months. Then Sethi was re-hired and then re-fired, and then my good friend taken out of Law and put into this oily, slippery, greasy, dirty business. So this is a tragedy of honesty and honest men, not a tragedy of the dimensions that they are trying to make out and defend.

You know, these financial committees are the only dependable source of executive accountability in parliament. Therefore, I want to do nothing which would denigrate those committees.

For the last thirty years of whatever it is, these committees have performed excellent work. And even

these strange creatures whom I call bonded labour when they serve on these Committees, some form of transformation takes place and they become fair-minded, they become reasonable, they become accountable, they become responsible and they sometimes even develop some national concern when they are sitting on these Committee meetings. It is only in this House and in that House I do not know what happens to them, because everything like disappears; they are only interested in making one monumental impression on one monumental person.

And therefore, I think this whole deal has to be looked at from the point of view of not technicalities but from the point of view of what actually did happen, and it is in this respect that I have a serious grouse against my honourable friend, the honourable Minister, for having made this statement. I think he could have made a much better statement. I do not know why in such matters they don't come and consult me, instead of consulting people like my friend over there. He goes and consults people like Mr. Salve, and that is why the results are disastrous and, the consequences too impossible to bear.

Look at the statement. Have you read it? The first Paragraph is high drama, a great drama, creating a big background as if the whole nation was in a tremendous crisis. Look at the hysteria and the language and the heroics and phrases that have been used: "deal with on a priority basis, 'the country experiencing shortage of such a high magnitude,' outlook of world looks extremely worrying;" "oil from Assam had stopped;" "oil situation particularly in the Gulf area remains highly uncertain," and so on. You can well imagine an earthquake going on while the Statement was being made. "And the position and the shortage had assumed alarming proportions."—what sort of language is this? To justify what?

And then he says, imports of 1.3 million tonnes have been finalised. That means 1.3 million tonnes were in the pipeline. What is he so frantic about? And they were determined to place an order for another 1 and half million—1.45 million tonnes, with such anxiety" to cover this enormous deficit." What deficit? 1-3 million tonnes are in the pipeline. All the oil tanks all over the world, in every refinery, were absolutely chock-full, and he is hastening to cover some deficit and for which an "immediate decisions had to be taken". This is the sum total of the first paragraph.

"It was in this anxious background that on January 18 . . ."—kindly note the date: it was in this historical, heroic, background that on January 18 the new Government steps in, on the first week of power, found that the Government, the new Government, was miming out of energy, and therefore, felt that they had to pump energy into the system immediately. After all, their coffers were depleted. They had just got out of a gruelling and expensive election and the need for immediate refurbishment and replenishment became so desperate that obviously oil is the slipperiest commodity which can fill every crevice and every pocket. And it is in this background that the Government rushed in where angels fear to tread.

The heroics of the Statement leaves one a little cold. And then he goes on to explain all manner of technicalities, what sort of tenders were invited, how many came this way and how many came that way, which you will have a lot of speakers explaining to you, if you have the capacity to understand. But the fact of the matter was that Mr. Sethi kept on juggling the balls in the air. But he is very honourable and never puts a penny in his pocket.

Whatever references I make to Mr. Sethi are only in his capacity as Oil Minister doing his duty, whether it is to God or whoever else it is. It is for you people to judge and the country to judge. Mr. Sethi was mer-

ely doing his duty. You do not have to give him extraordinary intelligence, Mr. Salve. You do not have to put all manner of fortitude into his head or national concern into his heart in order to justify his action. He was merely doing his job the job for which he was placed there.

We on this side think he should be doing somewhat different job, but die people on those benches think he should be doing a particular type of job. The fact of the matter was that he was only performing his job. Therefore, in whatever form the quotation came, whether it was high or low or whether it was in the national interest or not — all manner of arguments have been invented to which I shall shortly refer.

But then I do not expect this of my good friend the present 'oily' Minister. He says that there were conflicting forecasts of the behaviour of world crude oil prices and world petroleum product prices. The FOB Mediterranean average HSD spot price quotations in the Platts Oilgram between January 2 and February 1. Is the Minister aware of the fact or not that your favourite company is not this Kuo Oil but it is this Hindustan Monark. It does not supply oil from the Mediterranean. It supplies oil from Singapore, though its base is in Hongkong. If any price is relevant, it is the spot price in Singapore and not the FOB Mediterranean average, unless of course the hon. Minister does not know that the Mediterranean is a piece of water separating Africa from Europe and Singapore is somewhere in the Far East. To say that the price in the Mediterranean area was governing the wisdom of the Oil Minister on prices in Singapore is, I think, unnecessarily taxing our intelligence. I can understand if he had quoted the AG price, the PG price or the AGPG price. The Singapore price has been read out by Shri P. Ramamurthi. In two and half months the price has dropped consistently without any fluctuation by \$55.

[Shri Piloo Mody]

So, to take a fixed price contract in a falling market is the stupidest thing and it does not require an economic genius like Salve or a political genius like Jain or a ministerial genius like my hon'able Minister to tell us at what stage of time a fixed price contract is desirable and at what stage of time a variable price contract is desirable.

The fact of the matter is that the contract was given and here, I think Mr. Sethi is culpable of several misleading statements. It is really said because I am very fond of Mr. Sethi—He is an honourable man. He never puts a penny in his own pocket. On the 15th of February he made a very historic note on the file. In fact the note was so historic that unless the file had been spirited away, the historic accident would have cost the Government quite considerably. But he made five points which I do not want to go into. The sum total of it is that he wanted to somehow manoeuvre the negotiations in such a manner that ultimately one company—and one company alone—would get the contract. And Sir, that Company was not Kuo Oil—it did not matter where the oil came from. That Company was M/s Hindustan Monark. Where it came from, how it sprang up, whom it belongs to, nobody is prepared to mention and even I am not prepared to mention it. Sir, Why should I educate people who do not want to get educated? The fact of the matter is, whether it was Kuo oil or Mediterranean oil or Arab oil or Venezuelan oil, as long as Monark had supplied it, everything was fine. Now, the entire notes on the file which had made it necessary to spirit it away were essentially in order to bring about the manipulation to the point where they could justify this contract. The only little bird that slipped through the net was this other Company, based in London, STTCO, whose quotation was so low that they could not possibly override it and, therefore, it was allowed to go

through, only because the amount of oil that they had offered to supply was very low and constantly the Minister had "hidden behind" the sanctity of contract. ..."

AN HON. MEMBER: Of tender.

SHRI PILOO MODY: Yes. "sanctity of tender." Sir, I am an architect and I myself am a great believer in the sanctity of tender, I am myself a great believer in the sanctity of contract, and therefore, I have every sympathy with anybody who believes in the sanctity of a tender and in the sanctity of a contract. But the Minister only hides behind it in order to pursue and further his manipulation.

It was a master-mind incidentally which was advising him on that point at that time because, Sir, Mr. Sethi, as I told you, is an honourable man and is not capable of all those manipulations and manoeuvrings that have gone on from one note to the other. I do not know who drafted his note. I am inclined to believe that he was an educated man.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You are fond of Shakespeare. I think.

SHRI PILOO MODY: Of Shakespeare?

SHRI LAL K. ADVANI: Yes, because you are reminded of Brutus.

SHRI PILOO MODY: The fact is that Mr. Sethi had to make three rulings and he tried his very best to get some help and some comments from the officers concerned, but none of them would budge. The fact of the matter is that Kuo Oil had not offered a fixed-price contract. They were one of those who had offered a variable price contract. And, Sir, the sanctity of the tender and the sanctity of the contract had been violated when the terms of supply of Kuo Oil were changed from a variable-price contract to a fixed-price contract and having fixed the fixed price contract, they were asked to lower it again by

another two dollars. So, somehow or other, they could get into a particular notch which could justify the placing of the orders with them. Sir, Sethi has done a brilliant job and for that reason had had to give up his job! It is because he had become what is known as critical or sensitive in that position after having made this abortive decision and made this abortive noting. But, since Sethi is an honourable man, Sir, and honest man who never puts a penny in his own pocket, the rest of the Government came to his rescue, rescued him out of it, put him in a safe place, where he could go on allotting houses to the Members of Parliament and could make them happy, and put poor Mr. Veerendra Patil, my good friend, in his position to face the music.

But Mr. Patil, after having got acquainted with this whole oil business, panicked, and quite rightly so. In his place, I also would have panicked, Sir. And, Sir, what did he do on getting panicky? He sends the file promptly to the Prime Minister for her guidance in the matter. I do not know whether it is true or false. The Minister has said it in his statement and that is why I am taking it as true. He panicked and he sent the file to the Prime Minister for her guidance. My poor friend, Veerendra Patil, still in his innocence at this point of time, imagined that the Prime Minister did not know about this, and felt that he should inform the Prime Minister whether there is something rotten in the State of Denmark. (*Interruptions*)

A most extraordinary procedure is adopted, Sir. The file is sent for and his Secretary who is his Private Secretary acts as a delivery boy. Sir, I ask you; Does he use his Secretary as a delivery boy? Is there not a procedure laid down when a file is sent for "Reference"? If a file has to be sent to the Prime Minister's Secretariat or House for reference, there is a laid down procedure. And, here, for secret files there is a double laid-down procedure. They have to 883 RS—9

be diarised twice instead of a normal file which is diarised only once.

SHRI SYED SHAHABUDDIN (Bihar): And sealed in a double cover.

SHRI PILOO MODY: Thank you very much. It is handed over. But he does not remember who delivered it, he does not remember when he has given this important file, to whom he has given this important file and why he had been asked to do this? They tried and tried and tried to get the file back but somehow that file was not traceable. Who is the Special Assistant to the Prime Minister? How many Special Assistants has the Prime Minister got? Nobody knows! Is this all believable to you, Sir? Nobody knows: Have you ever been—it is a ridiculous question for me to ask you because I know the answer—have you ever been to the office of the Special Assistant to the Prime Minister? There is no place in the room for a file to be misplaced. It is small, a little room. There is no method by which it can be lost. There is no method by which it cannot be recovered in half an hour of honest searching. But, as the hon. Minister says, nobody asked for it. (*Interruptions*).

Meanwhile, contrary to what Sethi may have figured out, contrary to his information, in May, Sir, the Iraq-Iran war started, which gave a slight spurt to oil prices throughout. But it is only natural. But I do not believe that Mr. Sethi has joined the rank of 'tantriks' and astrologers that surround you people, to the point that that he would be able to say what he said. He has said with great positive assertion that prices hit rock bottom.

I would like to know how does Mr. Sethi become an expert in oil prices in the world? Do we have no experts in the Government of India? Why do we have this Empowered Committee? Why is the IOC an autonomous corporation responsible for purchasing oil and for making all the arrangements? Why do we have the whole

[Shri N. K. P. Salve]

paraphernalia of Government looking into those things? Ultimately, only Mr. Sethi is the oil expert of this country?

And then our Minister quotes in justification of this, two articles, from the Economic Times and from the Financial Express. This is really funny. I have here got the Financial Express, and I find nothing in this article in the Financial Express to justify your optimism. These articles, incidentally, note the date—one was produced on 20th February and the other was produced on 21st of February. And Sethi made his final note on the 22nd of February, having already made two prior notes, in anticipation of these two articles to appear in the papers. My contention is—and why contention—I am charging you, the ruling party, that you have planted these two articles. If you challenge me further, and deny my statement, I will name the man as well as the person who was responsible for planting these articles.

The nation lost 10 million dollars. a notional 10 million dollars. It is like the notional profits that these people have been making all these years. In fact, everything in this country has become notional and, therefore, I am not surprised that these losses have also become notional. And then he justifies it!

My heart bleeds. He says that 520 thousand tonnes had to be purchased at a price higher than the one that had been fixed. I would like to ask the hon. Minister that when you say that you have purchased at 553, does it not merely mean that you had got a better deal elsewhere?

It appears from this statement, that corruption is overwhelming and prevalent everywhere, but it is only this particular deal that was honest. This is the impression I get from the statement that has been made. (Time

Bell rings) You did not ring the bell on Mr. Salve. Why the bell on me? Is this not partisan?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): He took just half an hour. You have taken 35 minutes.

SHRI PILOO MODY: He has taken 38 minutes, to be precise, and I have taken 8 less 2 equal to 6. I have taken 24 minutes.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I do not want to quarrel with you on that.

SHRI PILOO MODY: The Minister says that in 1980 itself there were 20 such failures. That means the failures of delivery and supply. I am glad that ultimately the Government owns up occasionally, in its own self-defence, even to failures. This is the first time I have heard the Government accept that something that they did was wrong or it was a wrong judgment or error that they placed these 20 contracts because these 20 contracts did not fructify. Only the Monark contract fructified.

Mr. Veerendra Patil comes for 7-1/2 months and refers it to the Prime Minister. But there seems to be no reminder at all. Having referred to the Prime Minister for her guidance, Mr. Patil, how is it that you survived without her guidance? You should have gone on pestering her. Own up to it. Tell me what is wrong. Should I continue with the fraud or not? You should have asked her all this. For a whole year nobody talks about it. Even when the Iran-Iraq war took place, oil prices shot up. Even then they did not feel the need for the file. You can understand what a crisis they were facing. India was making arrangements for a million and a half tonnes.

The most hurtful and the most painful paragraph in your statement,



Mr. Minister, is that the file was neither brought to the notice of the Prime Minister, nor were her orders or directions ever sought. This is the statement. . A bald statement! The Minister has done his duty. He has whitewashed the Prime Minister from the whole affair. The amount of whitewashing that the Prime Minister receives, no wonder that the poor girl is so pale.

DR. (SHRIMATI) NAJMA HEP-TULLAH (Maharashtra): She is not poor.

SHRI PILOO MODY: I know that. That is why I am saying that she is very rich.

DR. (SHRIMATI) NAJMA HEP-TULLAH: Not bankrupt like you.

SHRI PILOO MODY: "Notwithstanding the fact that the Committee on Public Undertakings was informed about the availability of the file on 5th April, they did not care to summon the production thereof." Mr. Minister nobody else in this country may know what happened in the meeting of the Public Undertakings Committee- But, you, at least, should. Every effort was made by the Members of the Committee to get that file and to summon the file which they have a right under the law to do so \_\_\_\_\_

SHRI ARVIND GANESH KULKARNI: Inclusive of officers.

SHRI PILOO MODY: . . . but the file "was not produced. Why it was not produced. I will not reveal because, as I said earlier. I am interested in the dignity and the continuance and efficacy of these financial committees that supervise executive expenditure and the audit that they carry out on executive expenditure.

"It is obviously a genuine case of misplacement," he says, Well done. Well done. Mr. Minister. A genuine case, a very genuine case. The file

for which one really feels sorry, he has even apologised. He feels sorry that the file was misplaced. What he did not mention was that he must be sorrier that it has now been found.

SHRI N. K. P. SALVE: You come to the subject.

SHRI PILOO MODY: I think it was Mr. Salve who just now mentioned that I should come to the subject. I have spoken only about the subject. I have not spoken about Kanti. I have not spoken about An-tulay. I have not defended myself. I have not even accused you.

SHRI N. K. P. SALVE: You speak about the role of the funstar; that is all, nothing more.

SHRI PILOO MODY: Do you want to know more about the case? By all means I will let you know. Now that he is asking me to speak more about the case I hope you will give me the time to talk because apparently he has wasted his study.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Please wind up.

SHRI PILOO MODY: No, Sir. This is a personal request. I cannot possibly displease him. I will tell him about the case.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Now, Mr. Mody, please....

SHRI LALK. ADVANI: Sir, the Deputy Leader of the House has requested him to speak about the case. How can he ignore his request.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I do not know when we will be able to end. There are so many speakers. (*Interruptions*)

SHRI PILOO MODY: On February 15, 1980. Shri P. C. Sethi, the Minister of Petroleum, Chemicals and Fertilisers, records a note in which he says: (a) all parties that have submitted tenders have specified that they will supply the products at the price

[Shri Piloo Mody]

prevalent on the date of the delivery. They have attached escalation and de-escalation clauses to the prices. Not a correct statement. (*Interruptions*)

THE VICE-CHAIRMAN (DR. RA-FIQ ZAKARIA): Mr. Rama.nurti has read that.

SHRI PILLO MODY: Four of the fourteen have offered to supply the product at a pre-determined fixed price, Mr. Sethi, as the Committee's Report notes, recorded that all firms had submitted an identical type of tender. Not a correct statement. (*Interruptions*) No one could say that the order he was about to pass discriminated between firms, (b) Such escalation clauses, he says, can be influenced. His concern is correct, Sir. Whatever that means, and are subject to "volatile fluctuations." Here he has borrowed the language of the Statesman "volatile fluctuations". I suppose that he meant that while the escalation formula is there, these are fixed, the prices we would have to pay would vary as the price ruling in the market varies. Quotations based on escalation, this is the third point, and de-escalation formula are not in the overall interest of the community Why? (d) They impose an "indeterminate liability." Sir, I want to know who is the author of this expression 'indeterminate liability'? This is certainly a poetic expression to describe and cover up a whole host of things that they are trying to do. and, "the IOC should always keep in mind that they cannot impose on the Government an indeterminate liability". This is the first note: all this sounds pointless; but to read each of the 5 points carefully, each of them is an aid to a pre-determined manoeuvre to which I referred earlier. You seem to have forgotten, Mr. Salve.

"All parties should be told that while they had in accordance with the original tender notice submitted bids

citing one price and indicating how it would vary with variations in the world oil prices, the Government has unilaterally decided that the base price they have indicated will be viewed as a firm fixed price."\*

What happened to the sanctity of the tender, Sir? The Government has unilaterally decided, Mr. Salve. If there is nothing else that you know in this world, you should at least know what the sanctity of the tender is. So, be an honest man, I will yield to you get up and say that yes, sanctity of the tender was violated after having hidden behind that particular clause which was violated the very next instance.

SHRI N. K. P. SALVE: The sanctity of the House has been violated.

SHRI PILLO MODY: So, he goes on, "the parties that do not consent to this unilateral alteration by the Government of the very basis of their tender, should naturally be rejected outright." Tell me, is this behaviour worthy of a Government, let alone of a Cabinet Minister? And all this is done in the name of the Government. Was anybody else in the Government aware of this? Ask Mr. A. P. Sharma; he will promptly get up and say 'yes'.

"No negotiations should be conducted on prices and no counter offers should be accepted" so as to "preserve the sanctity of the tender" which was to be valid till February 15 and now shall be deemed to be valid till February 22. Again the sanctity of the tender was blown sky high. And no further extension beyond 10 P.M. in the night of Feb. 22. What sort of joke is "this? It is a joke. And then the Minister quotes from the Financial Express and Economic Times, and does not quote from very prestigious journals devoting their entire life to oil, the movement of oil, the production of oil, the Price of oil, like the Platts Oilgram and Petroleum Intelligence Weekly.

Mr. P. C. Sethi who incidentally is an honourable man, never puts a penny in his own pocket. I think that Mr. Sethi would have made much more money on his own for himself had he brought out a journal titled 'Sethi's Inner Oil Intelligence based on inner pressures and divine intuition along with tantrik powers.' because he did all this precisely and in coming to this conclusion, the oil Minister even today maintains that this deal benefits India, although other people maintain that we suffered a national loss of 10 million dollars or more.

K you want any further information, Mr. Salve, on this subject, I can give it to you; otherwise say thank you to me and I am prepared to sit down.

THE VICE-CHAIRMAN (DR. RA-FIQ ZAKARIA): I say thank you.

SHRI PILOO MODY: Therefore, in conclusion, I say that this man is misplaced—I mean this Minister for oil. Put him in a more comfortable position. He is a hide man; he always smiles, and I think we should bring Mr. Sethi back into the oil Ministry because he is the only man among 700 millions who has the special expertise on oil to make this sort of money for this sort of party. Thank you very much.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Mr. Vice-Chairman, Sir, the monsoon outside is really scanty. But the thunder inside the House continues without bringing any tangible results. It has become the fashion of the day to say things which are easily said and which are really very difficult to prove. But I will come to all these finer details a little later because, to me, today's debate raises issues of fundamental importance, issues which concern the very authority of that House in which we are debating it.

The first issue which has been raised is, could the Minister of Petroleum and Chemicals have overridden his

Secretary and the Chairman of the Indian Oil Corporation or bypassed the Empowered Committee? And when we discuss this issue, I think, it raises a very important issue of Cabinet Government. I remember, once I was talking to a very eminent Minister, when I went and asked him 'How do you deal with the files?' I was not in Parliament at that time and I always heard from my friends like Mr. Piloo Mody that it was always the Ministers who got the Secretaries to write something on the files at their behest. This Minister whom I asked said 'No; this is not the correct impression at all. because, the Secretary is there to advise me and I always tell him 'put down what you feel is right and if I disagree with you, I will overrule you'. I think, this is the basis for any effective Government, for any effective Cabinet Government. And the more I read these things, I am really proud of the system under which we are functioning. The Secretary and the Chairman of the Indian Oil Corporation have placed their viewpoints fearlessly without their minding the fact that the Minister is not agreeing with those viewpoints. On the other hand, you find, that the Minister is also trying to meet the point of view of the Secretary and the Chairman of the Indian Oil Corporation by a cogent, reasoned, argument which is very germane and relevant to the issue, to the decision which he has to take. I think, this reflects the very fine manner in which our system is really working. But it has become a fashion particularly with Members like Mr. Piloo Mody, at the slightest deviation, at the slightest disagreement, to conveniently say that one person is right and the other person is wrong. On hindsight, to say that one is right and the other is wrong is really not solving the matter at all. I think, the Legislature ultimately controls the executive. I think, it is we who will question the Minister for what he has done. And if that be our power, and if that be the basis on which our system is working, I must say what Mr. Sethi did is really justified on the basis of the highest

[Shri Muriidhar Chandrakant

Bhandare]

norms of Parliamentary democracy. He overruled, by a written, by a reasoned and by a cogent order the Secretary and the Chairman of the Indian Oil Corporation. I think, ordinarily, the matter must rest there. May I ask the hon. Members, on what issue, are there not two or more than two points of view? I think, you will hardly find any issue, any discussion, where there are no two views. I think, there were two views in the field at that time, whether to accept the variable price or the fixed price. I must tell you, it is pathetic to see because my friend, Mr. Piloo Mody, has this great of reducing the sublime to the ridiculous. And I am really sorry to say that because he does not understand the importance of oil in our country. It is the blood-supply to our country and you would not have said what you said had you got the slightest notice of what oil means to our country, 1.3 million tonnes in pipeline, 1.4 to be ordered immediately. My friend treated it so lightly that he could not imagine what would have happened if we had not acted promptly. I do not blame him because he does not want to be educated. He reveals in ignorance because through ignorance he can make points which really convince nobody. Kindly look at the requirement of the oil. In fact, during the year 1980-81, as has been pointed out in this report, we have imported as many as 8 million tonnes, if I am right, and to say that towards the end of February or beginning of March we were keen on getting 3 million tonnes is something I cannot understand at all. I think anything can be painted black with the brush which Mr. Modi carries, but to those of us who owe a duty to the country, to those of us who have ceaselessly worked to see that the production of oil in our country goes up, to those of us who are keen on seeing that import of crude oil and oil products go down—you can see what our achievements are in the last two years—we\*

would not have made those achievements if we were merely interested in the import of oil products. It is really unfortunate that when the whole world is lauding at the oil production in our country, at the conversation of oil in our country—even China wanted to come and study as to how we conserve our oil—it is in deed a matter of regret that the Members on the other side should for get.....

SHRI PILOO MODY: I set the record right?

SHRI MURLIDHAR CHANDRA KANT BHANDARE: ...this vital aspect and speak of something and say that, well, this was done for this reason and that was done for that reason. It is very easy to attribute motives, but when you carry on a debate like this, you should do it with a sense of responsibility. I must tell you that I work on the Consultative Committee of Petroleum and Chemicals. Because petroleum is two-thirds of our energy, I have repeatedly said in this House that energy will govern not only our country but the entire globe for the next two decades and that is why I have been taking very keen interest in this. Now there are always two view points. Some say, all right, this variable concept is good, other say that the fixed price formula is good, but I think at times fixed price formula is good and at other times variable price formula is good. I do not think hon. Mr. Ramamurti has really understood what Mr. Sethi wrote down when he said, I do not think he has laid down any policy which serves as an arbiter on any body else. He was dealing with a situation which was there on the 24th February, 1980, and in that situation he said that the prices had consistently tumbled down excepting for short periods which have been mentioned in the hon. Minister's note and which have been quoted by the hon. Member himself. Now under those circumstances he felt so. Whether he was right or wrong is another thing because he was not one of those soothsayers or fortunetellers.

who could predict what would be the position tomorrow. All of us buy things and we find that we have in that process really made a bargain which is utterly useless. It happens to us everyday. We buy a small thing today thinking that the price would rise and we find that after three months the price has gone down of that particular commodity. The point which I am making is that nothing has been shown in this or in Mr. Shourie's article to prove that prices started coming down after the end of February, 1980. I think it was valid assumption, it was a reasonable assumption^ it was an assumption which a man with the knowledge and expertise of Mr. Sethi could have made because whatever else you may say, I want to say—he is no longer the Minister of Petroleum—that I have worked with him for a year and a half and I know what fine, great, monumental work he has done in the production of oil in our country.

SHRI SYED SHAHABUDDIN:  
Then why was he moved, if he was such an oil genius?

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: With Mr. Sethi as the Oil Minister, I am proud of it.

SHRI J. K. JAIN: You are nobody to question that, Mr. Shahabud-din.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: I will tell you very frankly, I can say this that if Mr. Sethi goes to another place he goes really to improve matters there. There is no doubt in my mind about this and you will see this when you debate again after 3 months or 6 months on any department which is in the charge of Mr. Sethi. He was formerly<sup>as</sup> an Oil Minister. As a member of the Consultative Committee, I know of his expertise. I do not think that any joint Secretary or the Chairman of the IOC, or even the Secretary would have a better knowledge. I think

he would only have an equal knowledge. I think all the premises which he has put down in writing are not only relevant, not only germane, put with a bit of luck would also have been prophetically true and that if they have not proved prophetically true, it is not to say that he acted dishonestly, that he acted malafide, that he acted in a manner that was meant to give an order to any one of them.

I do not think there was any charge of tenders because there were tenders which include the variable formula, there were tenders which included the fixed price formula. That clearly shows that the tenders thought that, they could tender either on the basis of fixed price formula or on the variable price formula. This itself clearly shows that it was open to the Government to accept one or the other formula. And I think neither Mr. Sethi, nor the Government, was in the wrong in coming to the conclusion to which he came. The fundamental principle which governs any Commission of Inquiry when one is appointed is to find out whether any blame can be apportioned to anybody for any act of his. The test which is applied is: could he, could that person, under those circumstances, reasonably, rationally, come to the conclusion to which he came? And I think this test is completely satisfied because in every decision we take, there is always a contrary decision possible and which decision is right or wrong, only future can tell.

Now there are some other points which have been taken. But I must point out at this stage that our democracy is slightly different from even the British democracy. We have always advocated the principle of accountability. Therefore, even bodies which are supposed to be autonomous are really not autonomous because we ask the questions and if anything goes wrong with any one of these public undertakings, we want to hold the Minister responsible for it. And I quote what Jennings

[Shri Murlidhar Chandrakant Bhandare]

has said in his book *on Cabinet Government* where he says:

"No subject whatever and no institution whatever can, be placed outside the responsibility of the Cabinet and Parliament, for if the law confers independence, it is to be seen whether the law ought not to be altered and if an independent authority has abused its power it could be that its powers may have to be diminished or its position altered in order that its powers may not be abused".

4.00 P.M.

I think this is the crux of the matter that no subject whatever and no institution whatever can be placed outside the responsibility of the Cabinet and Parliament. I think the hon'ble members would subscribe to this principle. I think Mr. Sethi was justified both as the head of the department and constitutionally—what the Constitution required of him to do—and no blame can be attached on that ground.

Mr. Ramamurti referred to the dark and darker clouds but not rain. Therefore, all your arguments, all your criticism, all your cheap gimmickery is going to be only for the purpose of creating only sound and no effect. I do not think you can shake the poor performance of our Government by this very thin end or by this thin thread, by saying that the Government is corrupt. Everybody has seen the performance of our Government and I am proud to say that after digging the whole of the mountain they have not been able to come with a molehill even. Somebody writes an article and if it gets published on the front page of a particular newspaper, then you automatically come to the conclusion that this is something which really is serious corruption. Unfortunately, I think Mr. Shourie has chosen wrong case to argue this time. I do not find any conviction in the case

which he has argued and it is well known\* Sir, that when *one* cannot convince, one tries to confuse and I find that that is precisely what the Opposition and journalists like Mr. Shourie are trying to do against the Government, and the Prime Minister in particular.

Now there are many things which can be said. They talk of this Platts Oilgrams. Those who know what they are, know that they cost three thousand dollars per year. They are telex messages. I do not know how many in India have these Platts Oilgrams. And these Platts Oilgrams can also be fixed. In fact, in the sphere of oil it is very easy to fix the prices, to fix things, to manipulate them and that is why when Mr. Sethi said that he would not like to enter into an indeterminate liability—I rise not because I belong to the ruling party—I sincerely feel that he was acting very honestly in the interest of the country.

SHRI SYED SHAHABUDDIN: Your Government is an indeterminate liability?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Not for you.

SHRI SYED SHAHABUDDIN: We shall now determine that.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: What liability it is for you, you have to determine. We are undoubtedly a Government of excessive assets for the rest of the country.

Now I must also point out that the fixed prices climbed down to the minimum in February. Now it was quite unimaginable that they would go down further. In all probability, as they did, they rose higher and higher and what would have happened if his expectation that they crossed 353.50 dollars were fulfilled when the deliveries were to be made in October and December because it was a long period of ten months which was

covered and the oil prices are not expected to remain static or nosedive further? In fact, they had risen. I wish the Petroleum Minister gives the figures. He has given some sort of a calculation but it clearly indicates that if they had risen, as was stated by hon. Mr. Ramamurti, by forty dollars, then we would have profited by twenty dollars per metric tonne. I do not know the arithmetic by which they say that even by a rise of 20 dollars or 40 dollars we would have lost. As has been rightly pointed out, this less is notional because the contracts are not the same and the quantities are not similar and, therefore, it is not correct to say that there has been any loss to the nation or to the Exchequer.

The other thing which they said was about the file. Now with all that they have said against the Prime Minister, it is admitted—Mr. Ramamurti admitted it and Mr. Piloo Mody also admitted it—because whether you like it or not, the file is there now for anyone to see. In fact, pursuant to the Speaker's ruling in the other House, that file may be produced before the COPU which is now constituted. (Interruptions) It cannot be laid on the Table for the reasons you know.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Shahabud-din, you all know that the Government files cannot be placed on the Table. You have been a distinguished member of the Foreign Service.

SHRI J. K. JAIN: That is why he was relieved from that Service.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): He said that the file may be placed before the COPU. That is what he said.

SHRI BUDDHA PRIYA MAURYA (Andhra Pradesh): In the cement case when I raised it, Sir, it is they who objected, when they were sitting on this side, saying that the files cannot be placed on the Table. It is they who said it. (Interruptions) All of you.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Whether they object or we object, the thing is that under the parliamentary form of government files cannot be placed before the House.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: Therefore, the point that I was making, Mr. Vice-Chairman, is that it is nobody's case that the Prime Minister had any thing to do with the file at any stage. It may have been referred to her Secretariat but the fact remains that she never dealt with it, she never saw it and the file came back. The file will clearly show what was done. And to drag in the name of the Prime Minister, who is one of the foremost leaders in the world, really shows complete political bankruptcy and it also shows to what extent, to what low level some of our Members can go. I strongly take exception to all that has been said. Probably the hon. Member, Mr. Mody—unfortunately he is not here—sees his own reflection in the mirror when he speaks. All that I can say is That this is an essay -----

SHRI SYED SHAHABUDDIN: Is file the only means of communication between a Minister and the Prime Minister? Are telephones out of order? Are personal visits completely banned?

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: I am glad you put that question. But then your whole case collapses. Then there was no need to remove the file at all. But the point is that you are basing the case on the movement of the file and it has now been conclusively established .....

SHRI SYKD SHAHABUDDIN: But we are saying that the file was sent by Mr. Patil (Interruptions) to save his own skin....

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: Don't worry. There is no skin to be saved at all. You may look at it with your yellow eyes and you may see everything

[Shri Murlidhar Chandrakant Bhandare]

yellow, but I can tell you that anybody who reads the COPU Report will come to the same inference. And what is the inference? Kindly read the inference. I am quite sure that Mr. Morarka would not say that it is not his writing and this is not his report. Kindly look at it, the inference which has been drawn and which must be binding; you cannot go beyond that. It has been said:

"However it is clear that the subsequent events proved that it was not prudent to take action in oil purchases."

It happens with us every day with the things which we see and do which we find after a lapse of time to be imprudent to ourselves. There is not even the remotest suggestion which may disturb the feelings and the minds of the Members of the Opposition that this is a shady deal or that this was a deal for somebody or something else. There is not even the remotest suggestion in the whole report.

And, therefore, to say...

श्री लॉडली मोहन निगम (मध्य प्रदेश) :  
इसके नीचे की तरफ भी पढ़ लो। उसके  
नीचे तीन लाइनें आग की भी पढ़ो। आग की  
बात मत पढ़ो।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You are the next speaker. Order please. Mr. Nigam, you are the next speaker. You can meet this point in your speech.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: It is said:

"The Committee failed to understand why the normal processing the purchase proposals through the Empowered Committee was not followed in this case."

Kindly look at this, how this is also belied because after seeing the Department's note, the Minister recorded on the file on 19-2-80:

"The Chairman, IOC, the Joint Secretary in charge of the subject in the Department of Petroleum, the Joint Secretary (Expenditure Finance Accounts) in the Department of Petroleum and the Joint Secretary in the Department of Economic Affairs and the Finance Director of the I. O. C. should discuss."

This is a clear direction given by him that the empowered committee should discuss. There is further noting after considering the points mentioned by the officers of the Department. I do not think it was in his mind to bypass the empowered committee. As I said, we are governed by the Cabinet System of Government. I think the empowered committee consisted of only Joint Secretaries. Here what Mr. Sethi did was to discuss it with the Secretary himself. Therefore, I fail to understand. I think this is too technical and frivolous a point to be taken notice of, particularly when we own the decision, particularly when we say that it was based on a rational and reasonable assessment of the situation. We have found that some of the most rational things go wrong and some of the most foolhardy things prove to be correct. That does not mean that a foolhardy thing is, not a foolhardy thing and that a rational thing is not a rational thing. Therefore, all that I have to say is that they have created more dust, but they have achieved nothing. I do not think that the Opposition will ever succeed if they keep on trying to snatch at little straws; in that case, they will not get the straw, but they are very certain to drown themselves.

श्री लॉडली मोहन निगम : उपसभाध्यक्ष  
जी, मैं उन बातों को दुहराने से अपने  
को बचाऊंगा जो राममूर्तिजी और पीलू



मोदी जी ने कही। वे यथार्थ हैं सभी चीजों में, अपार उनकी व्याख्याएं हो चुकी हैं। उन सारे मामले से मैंने जो निष्कर्ष निकाला है वह मैं पहले आप लोगों की खिदमत में रख देना चाहता हूं। हिन्दुस्तान का दिमाग मुझे लग रहा है कि वह परावलम्बी हो गया है।

**संसदीय विभाग में उपमंत्री (श्री कल्पनाथ राय) :** क्यों ?

श्री लाडली मोहन निगम : सारी काबीना का दिमाग जो है, एक तरीके से उसको लकवा सा लगा है। अपने दिमाग से वह कोई काम नहीं कर सकती। उसको किसी न किसी के दिमाग की राय या मशविरा की जरूरत पड़ती है, और शायद यही बुनियादी कारण है, हिन्दुस्तान की काबीना में कोई भी सदस्य आज ईमानदाराना तरीके से अपनी बुद्धि से कोई फैसला अपने तर्क नहीं कर सकता। नहीं तो और कोई बात समझ में नहीं आती। एक बात मानता हूं। ठीक है, आपस में एक दूसरे से सलाह-मशविरा होता है लेकिन यह बड़ी थोथी दलील है, अगर इतना जरूरी मामला था और ऐसा लगा कि बहुत बड़ा घोटाला हो गया है और आपके पूर्ववर्ती मंत्री को ऐसा लगता था कि उसमें प्रधान मंत्री की राय जानना जरूरी है, अरे, तो क्या समय नहीं मिल सकता था। अगर प्रधान मंत्री—मैं जानता हूं कि वे शायद दुनिया की सबसे व्यस्ततम महिला हैं—तो कम से कम जब सबेरे लोग फरियाद लगाने खड़े होते हैं जैसे और काबीना के मंत्री करते हैं, तो उनसे कह सकते थे कि मुझे कुछ सलाह, व्यक्तिगत राय, जाती राय लेनी है अपने विभाग के मामले में, जिसमें मेरा दिमाग काम नहीं कर सकता है, लेकिन एक बिचौलिये के जरिये किसी के पास फाइल भेजना और उसको खबर न हो—इससे ज्यादा

घृणित कार्य क्या हो सकता है, यह खुद आपके सोचने का है। मैं आरोप नहीं लगा रहा हूं क्योंकि आप लोगों का दिमाग खुद लापरवाही का दिमाग बन गया है, अपने दिमाग पर भरोसा नहीं है। आपको अपने ऊपर भी भरोसा नहीं रह गया है हम जो काम कर रहे हैं कल उसके बारे में देश के ऊपर, समाज के ऊपर, क्या परिणाम पड़ेगा ? परिणाम आपके सामने सिर्फ व्यक्ति है। जिस तरीके से उपसभाध्यक्ष महोदय, किसी पुजारी को अपने देवता को खुश करने का ध्यान रहता है उसको इससे मतलब नहीं है कि उसके कुतबे या परिवार के लोग क्या कहते हैं। पुजारी जानता है, जब तक हमारा देवता प्रसन्न है तभी तक हम रहने के हकदार हैं।

मैं किसी की नीयत पर शक नहीं कर रहा। सारा मामला बहुत गहरा गया है। 9-10 करोड़ रु० कोई बहुत बड़ी चीज नहीं है। बहुत थोथी दलील दी है कि जो आप बाजार भाव कह रहे हैं, हमने बाजार भाव का सौदा इस वास्ते नहीं किया कि उसमें बड़ी उछल-कूद होती है। तो आपने स्थिर सौदा किया है। इसको आप अनुमान की भूल कहते हैं—एरर आफ जजमेंट। मैं इतना ही जानना चाहता हूं—कोई आदमी ऐसी बात कहता तो मैं मान लेता—लेकिन व्यापारी का बेटा बनिए के घर में पैदा हुआ बेटा जिसने जिंदगी भर दलाली का काम किया है, वह देश का बन जाता हो पेट्रोलियम मंत्री, उसके बाद ऐसी बात कहता हो कि सिर्फ अनुमान की भूल हो गई है, देश की किस्मत के साथ सट्टा लगाता है ... (व्यवधान) ... मैं आप से अदब के साथ पूछना चाहता हूं—आपने बाजार भाव पर सौदा नहीं किया, स्थिर भाव पर किया ...

**उपसभाध्यक्ष (डा० रफीक जकरिया) :**  
निगम साहब, सट्टा होता है वाएन्स

[उपसभाध्यक्ष (डा० रफीक जकरिया)]

प्राइस फिक्सेशन पर। फिक्स्ड प्राइस पर कम होता है।

श्री लाडली मोहन निगम : बायदे के साथ होता है। हममें फिक्स्ड प्राइस, आप यह मत भूलिए उपसभाध्यक्ष महोदय, क्योंकि आप तो वहीं के हो .... (व्यवधान)

श्री कल्पनाथ राय : मेरा व्यवस्था का प्रश्न है। माननीय सदस्य ने कहा है कि एक बनिए का लड़का जिसने जिंदगी भर दलाली किया है, जब कैबिनेट का मंत्री बन जाता है ...। उन्हें यह बात नहीं कहनी चाहिए।

श्री लाडली मोहन निगम : मुझे गर्व है। मैं चाहता हूँ कि हिन्दुस्तान का हर नीचे से नीचा, छोटे से छोटा आदमी—क्योंकि मैंने उनकी शान के खिलाफ कुछ नहीं कहा, मुझे गर्व है—मैं चाहता हूँ हिन्दुस्तान का नीचे का छोटे से छोटा आदमी उस ऊंची जगह पर पहुँचे। मुझे गर्व है कि हिन्दुस्तान का एक छोटा आदमी हिन्दुस्तान का राष्ट्रपति बने। मैं चाहता हूँ, हिन्दुस्तान का प्रधान मंत्री भी कोई बड़ई का बेटा बने। मुझे तो इसमें खुशी ही होगी। तब शायद खानदान का राज नहीं चलेगा। तो मैं कहना चाहता हूँ ....

डा० (श्रीमती) नाजमा हेपतुल्ला : आपने कहा कि दलाली करे। आपने उनको दलाल बना दिया ... (व्यवधान) ...

श्री लाडली मोहन निगम : आप ब्रोकर को क्या कहती हैं। कपड़ा बाजार में दलाली करता है उनको क्या कहते हो। अब शब्द आप कह सकते हो बुरा है। अपनी मां की जुबान में बोल रहा हूँ। आप को बुरा लग रहा है। खैर, आपको हक है, आप

बोलिए यह तो मां की जुबान है। मैं आप से कहना चाहता हूँ कि छोटी-सी चीज, जिसके भी निगाह से गुजरी होगी—आपने स्थिर सौदा किया 392.65 सेंट डालर का ... (व्यवधान)

SHRI P. SHIV SHANKAR: The point that was raised was that it is an unparliamentary expression. That is all they were trying to say.

SHRI LADLI MOHAN NIGAM: I will definitely withdraw my words...

SHRI P. SHIV SHANKAR: Whether it should go on record is for the Chair to consider.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I will look into it. In any case, it is not a happy expression, you will agree, Mr. Nigam. In common parlance, the way it is used —

श्री लाडली मोहन निगम : अगर विचलित और दलाली शब्द अन्तर्पालिका-मंडरी हैं तो उपसभाध्यक्ष महोदय देख लें, आप उनको निकाल दें, मुझे कुछ नहीं। मैं, उपसभाध्यक्ष महोदय, जो कह रहा हूँ वह यह कि ....

उपसभाध्यक्ष (डा० रफीक जकरिया) : जैसा आप कहते हैं कि आपको गौरव है कि एक बनिए का लड़का कैबिनेट मिनिस्टर बना, आप इस स्पिरिट में बोलना चाहते हैं उस स्पिरिट में इस लफ्ज का उपयोग सही है या नहीं?

श्री लाडली मोहन निगम : मैं आपके ऊपर छोड़ रहा हूँ। मुझे इसमें कोई बहस नहीं करनी है। मैं सिर्फ कहना यह चाहता हूँ कि गलती यह है कि मैं बहुत कम पढ़ा-लिखा आदमी हूँ। मैं साहित्यिकों के लिए नहीं बोल रहा। इस सदन में जो एक-एक शब्द कह रहा हूँ वह हिन्दुस्तान की 80 फीसदी अनपढ़

जनता के लिए कह रहा हूँ। मैं चाहता हूँ कि उसकी भाषा और बोली यहां पर चले।

उपसभाध्यक्ष महोदय, मैं आपसे कह रहा हूँ कि 352 डालर पर सौदा किया आप ने। 353 कहते, वह भी आप कह देते। आप ईमानदाराना तरीके से बतायेंगे—आप के यहां होगा—उस रोज जिस रोज आपने सौदे पर दस्तखत किये—कैसे किए, क्या किये उस पर मैं नहीं जाता—उस रोज बाजार भाव कितना था? 350 डालर था या नहीं। जब कभी ऐसे सौदे किए जाते हैं तो बाजार भाव से कुछ बढ़ा कर या थोड़ा उससे घटा कर किये जाते हैं जिससे बाजार की उछलकूद को गुंजाइल बनी रहे। यह इस तरह के सौदों में होता है। लेकिन इससे एक ही प्रश्न खड़ा होता है। और वह यह है कि 353 का सौदा भी करते हो और 350 का बाजार भाव है तो यह तीन डालर जो बीच का कट मनी है वह कहाँ गया? मैं नहीं जानता कि इस का क्या जवाब है आपके पास। जिस रोज सौदा हुआ मैं उस रोज के बाजार भाव की बात कह रहा हूँ कल्पनाथ जी। जिस रोज कांट्रैक्ट साइन किया गया उस रोज की बात कह रहा हूँ। उस दिन कांट्रैक्ट के भाव में और बाजार के भाव में तीन डालर का फ़क था। वह कहाँ गया? और इसके बारे में एक बात और साफ़ करिये। क्या यह पैसा सरकारी तौर पर आप की फाइलों में मिल जायेगा? होता है कभी कभी ऐसा भी। मुझे मालूम है। किसी जमाने में एक सौदा हुआ था। ऐसे सौदों में जो आन मनी मिलता है—शर्मा जी चले गये, वह बतला सकते थे। सिविल एवियेशन मिनिस्ट्री ने जहाज खरीदे थे। वह बोइंग जहाज का मामला था। उस में प्रधान मंत्री जी ने कहा कि जो पैसा कमीशन का मिल रहा है वह पैसा यूथ

कांग्रेस के कल्याण के काम में लगाया जाय। तो इस तरह का पैसा मिलता है। तो मंत्री जी यह बतायें कि यह बीच का कट मनी कहाँ गया। मुझे खुशी होती अगर प्रधान मंत्री जी ने इस को रिलीफ़ फण्ड में दे दिया होता या किसी और फण्ड में दे दिया होता। ऐसा नहीं हुआ इस लिये मुझे शक करने की गुंजायश है। बादल ज। गहरा रहे हैं तो मैं कहना चाहता हूँ कि बादल ऐसे ही नहीं गहरा रहे हैं। कहीं भाप थी उसके बाद ही यह बादल बने हैं। (व्यवधान) तो 15 लाख डालर छोटी मोटी रकम नहीं होती। इस वास्ते मुझे शक करने की गुंजाइश है।

एक बात और मैं कह दूँ कि जब इस की बात हम करते हैं कि 352 पर स्थिर सौदा किया था उस के बारे में एक बात और कहना चाहता हूँ कि क्या यह सही नहीं है कि मंत्री जी की ठीक इस के दो हफ्ते पहले कुवैत की कंपनी से बात हुई थी और आप ने 336.73 डालर पर उससे सौदा किया था। माल लिया था? क्या इसके एक हफ्ते बाद ही 325.46 डालर पर आपने सौदा नहीं किया था और माल नहीं लिया था। आप जब यह तर्क देते हैं कि दाम गिर रहे थे तो आप ने अपने बयान में कहा है कि जनवरी से 1 फरवरी तक दामों में करीब करीब 66 परसेंट गिरावट आयी। लेकिन 1 फरवरी से 7 फरवरी के बीच में 14 डालर की कमी आयी। तो इस वास्ते आप को डर लगा कि दाम और बढ़ जायेंगे। आप अंदाजा लगाइये कि एक महीने में 66 परसेंट का दामों में फर्क पड़ता है, एक हफ्ते में 14 डालर की उछलकूद होती है और आप सौदा करने लगे हैं। 14 लाख टन हाई स्पीड डिजल का। तो इससे तीन बातों जुड़ी हुई है। 352 या 353 में जो सौदा किया आपने वह उस समय किया जबकि बाजार भाव 350 का था।

### [ श्री लाडली मोहन निगम ]

तो इसके कट मनी का क्या हुआ ? उसके कुछ हफ्ते बाद रूस से आप ने 336 पर माल लिया। वह क्यों ? और दो हफ्ते पहले कुवैत की कंपनी से जो माल लिया उसका क्या हुआ ? इन दो आधारों को जानने के बाद हर एक को हक हो जाता है आपको कटघरे में खड़ा करने का। अगर यह बातें आपने मंत्रालय ने न की होतीं तो कोई सवाल नहीं उठता था। यह दो बातें हुई इस लिये मैं कहना चाहता हूँ कि आपको इस का जवाब देना पड़ेगा, आप को मुल्क को इस का जवाब देना पड़ेगा। क्या किसी वक्त भी पेट्रोलियम रसायन मंत्रालय के इतिहास में कभी कोई सौदा बिचौलिये के जरिये हुआ है ? कभी नहीं हुआ। मैं अपने ज्ञान के लिये जानकारी चाहता हूँ। अगर हुआ है तो बता दीजिए। और इस वास्ते क्या जरूरत थी ऐसे बिचौलिये की कि जिसका बोर्ड सवाल नहीं उठता। जिसने कभी इसका धंधा नहीं किया। जो खुद ऐसी कंपनी का आड़ती बनता है जिसका सिर्फ बोर्ड ही लगा हुआ है और फिर वह तर्क के लिये मैडिटरेनियन की बात करते हैं जब कि यह मामला है सिंगापुर का। यह भी आप जानते हैं कि आज दुनिया में तेल पर उछल-कूद मनाने के लिये जो लोग कमाई करते हैं उसके लिये कोशिश करते हैं। जहाज समुद्र में तेल लेकर तैरते रहते हैं, बन्दरगाहों पर उतरते नहीं हैं। वह जानते हैं कि जो तेल ले लेंगे वह हमारा हो जायेगा। तेल का कोई गोडाउन तो होता नहीं है, जैसे कि आपके एफ० सी० आई० का गोडाउन होता है। तेल टैंकरों में धूम रहा है और उसका भाड़ा आप देते रहते हैं। जब आप कहते हैं कि 1.30 लाख गैलन हमारी पाइप लाइन में आ रहा था तो उसके बाद आपको बाजार की क्यों चिंता पड़ गई ? यह

दूसरा मुद्दा है जिसमें शक को गुंजाइश है। दूसरे इसके साथ जुड़ा हुआ प्रश्न है। हिन्दुस्तान मोनरक कुओ आयल कम्पनी से तेल खरीदने में बिचौलिया रहा है। कुओ कम्पनी से सौदा हुआ और उसी की मार्फत हुआ है। इस वास्ते मैं आपसे पूछ रहा हूँ कि आपने कुओ कम्पनी से सौदा किया, और जगह सौदा करने आपके अफसर जाते हैं लेकिन यहां टेण्डर खुलने थे फरवरी में और उसकी तारीख बढ़वा दी गई फिर 22 तारीख रखी गई आपके मुताबिक टेण्डर बनाकर दिया गया। उस वक्त यह भी कहा गया कि बाजार भाव यह है आप इतना क्यों दे रहे हैं यानी 3.50 था उस वक्त आपने दिया 3.53।

श्री जे० के० जैन : यह सब जो ही रहा था आप क्या वहां सुन रहे थे ?

श्री लाडली मोहन निगम : मैं मंत्री महोदय से इस बारे में साफ जानना चाहता हूँ। एक बात और मैं आपसे साफ कहना चाहता हूँ कि क्या आपने ऐसी कम्पनियों के लिये एक रास्ता नहीं खोल दिया कि जहां राष्ट्र-राष्ट्र के बीच व्यापार होता था अब वहां उन के बीच बिचौलिये का व्यापार शुरू हो जायेगा। क्योंकि आने वाला कोई भी आदमी जो खाना-कमाना चाहेगा वह यह रास्ता अस्तियार कर सकता है। मैं कहना चाहता हूँ 3-4 मुद्दे आपको देखने हैं। पहला क्या जरूरत पड़ी कि आप अपने किसी अन्तर्राष्ट्रीय सौदे में बिचौलिये का इस्तेमाल करें। क्या कारण था कि आपको दलाल की जरूरत पड़ी। दूसरे... (व्यवधान)

THE VICE-CHAIRMAN (DR. RAJQ ZAKARIA): 'Dalai' is not unparliamentary in that context. I have checked it.

श्री लाडली मोहन निगम : अब मेरे वाप का धंधा बढ़ई का हो तो कैसे

आप उसको रोक लेंगे। अगर मेरा धंधा दलाली का हो तो उसको तो हम करेंगे ही। (व्यवधान)

श्री सैयद निब्त रज़ी : आपका धंधा तो लहरों को गिनने का है। यह कहना कि आने दो, रोको, मत जाने दो।

श्री लाडली मोहन निगम : यही कर रहे हैं आप तेल के मामले में। दूसरी चीज जो है उसको भी बताने की कोशिश करें कि जब आपने समझौता किया स्थिर भाव का उस वक्त बाजार मूल्य क्या था? दूसरे उस वक्त बाजार मूल्य और उसने पूर्व जो सौदा किया था उसके बीच की कट मनी जो थी वह कहाँ गई। चौथे इन सब चीजों से जो बहस निकली है—आपके ऊपर दामन न लगने पाये जिन्होंने दामन काला किया उनको छोड़िये—क्या आप इस बात के लिये तैयार हैं, अगर आपको गंवारा नहीं है कि इस के बिये कोई पार्लियामेंटरी कमेटी बनाये। पिछली कमेटी ने कहा कि हमारे पास समय नहीं है। 5-7 अप्रैल को फाइल मिलती है और 30 अप्रैल को उसकी अवधि खत्म होती है। कमेटी को अपनी रिपोर्ट देनी थी। मैं यह जानना चाहता हूँ कि क्या आप इसके लिए तैयार हैं कि यह जो अब नई उपक्रम समिति बनी है, उसको जांच करने के लिए इस मामले को सौंपा जाय? उसकी जांच होने के बाद क्या आप इसके लिए कोई जुडिशियल इन्वैयरी कराएंगे ताकि सभी चीजों का पता लग जाय?

श्री जे० के० जैन : शाह कमीशन बैठाएँ?

श्री लाडली मोहन निगम : बैठा दो। जहाँ तक हम पर आरोप लगाने की बात है, हम चाहते हैं कि आप बारबार यह नाटक बन्द करो। अगर आपमें ईमानदारी

है तो मैं आपके नेता को चेतावनी देकर कहता हूँ कि तीन वर्ष के जनता के समय में जो-जो घोटाले हुए हैं उनके लिए आप स्थायी कमीशन बैठाइये ताकि हमेशा के लिए ये चीजें खत्म हो जायें।

श्री जे० के० जैन : ऐसी गलती हम नहीं करेंगे।

श्री लाडली मोहन निगम : शुरू में ही मैंने कहा था कि राजनतिक क्षितिज पर एक धिनीता खेल खेला जा रहा है। कठपुतली के खेल की तरह से नचाने वाला कोई और है और नाच-गाने वाले कोई और हैं। इस वास्ते उन लोगों को जो निर्दोष हैं, जो मंत्री निर्दोष हैं, जो अफसर निर्दोष हैं और जो आपके विभाग की निर्दोषिता है, उसके ऊपर जो कलंक लग रहा है उस कलंक को धोकर आपको अपना दामन साफ करना है। इसमें चाहे मंदिर का सबसे बड़ा देवता ही क्यों न हो, आपको इस कलंक को धोना है। अगर आप ऐसा नहीं करेंगे तो आने वाला इतिहास आपको कमी माफ नहीं करेगा। जिस तरह से देश की किस्मत के साथ 12 करोड़ रुपयों का सट्टा किया गया है उसने नये रास्ते खोल दिये हैं। देश के अन्दर बिचौलियों के द्वारा व्यापार होने लगा है और वह भी उन बिचौलियों के द्वारा होने लगा है जिन्होंने कभी व्यापार नहीं किया। इससे ज्यादा गलत बात दूसरी नहीं हो सकती है। इसलिये मैं हाथ जोड़कर यह गुजारिश करना चाहता हूँ कि आप अपना दामन साफ रखने के लिए इन तीन चीजों का जवाब दें और उसके बाद कोई कमीशन बनाने की घोषणा करें।

श्री जे० के० जैन : उपसभाध्यक्ष महोदय, हमारे एक वरिष्ठ सदस्य श्री पीलू मोदी जी, मैं यह जरूर कहूंगा कि भाषण करके चले गये हैं। जब हम छोटे थे तो

[ श्री लाडली मोहन निगम ]

सड़कों के ऊपर मजमा सुना करते थे। किस तरह से एक व्यक्ति मजमा लगाता था और लोगों को इकट्ठा करता था और उसके बाद वह भाग जाता था। उन्होंने भी मजमा लगाया और किस तरह से एक जीकरण की बात करके वे चले गये। उन्होंने यहां पर दिखाया कि यह गम्भीर मसला है, लेकिन उस मसले की गम्भीरता को ये लोग किस तरह से लेते हैं, यह आप इनकी बैचेंज पर नजर डाल कर देख सकते हैं। उन्होंने यह दिखाया कि यह बड़ा सीरियस मामला है, लेकिन इस मसले पर हमारी बात सुनने के लिए कोई भी नहीं है। ये लोग केवल कीचड़ उछालने की कोशिश करते हैं और कीचड़ उछालकर भाग जाते हैं। हमारे विरोधी दल के लोगों ने कुछ यह नीति बना रखी है कि तिल का पहाड़ बनाओ। उन्होंने आज सदन का सारा समय बर्बाद किया। तिल तो यहां पर कोई नहीं था, लेकिन उन्होंने पहाड़ खड़ा कर दिया। मुझे इस बात का दुख है कि इन लोगों की चिन्तन शक्ति कहां चली गई है? ये लोग किस ओर सोच रहे हैं। इस सदन के माध्यम से हम देश का निर्माण करना चाहते हैं, देश को तरक्की की ओर ले जाना चाहते हैं। लेकिन ये लोग पीछे टांग घसीटने की कोशिश करते हैं। पता नहीं, ये लोग किन से राय लेते हैं। मैं तो चाहता हूं कि ये लोग जिन शक्तियों से राय लेते हैं उनसे राय लेना अब छोड़ दें। हमारे निगम साहब यह डिमान्ड कर रहे थे कि कमीशन बैठाओं। इनका कमीशन का फोबिया अभी तक खत्म नहीं हुआ है। जो गलती आप कर चुके हैं, कमीशन बैठा कर जो गलती आपने की है, हम वह गलती करने वाले नहीं हैं। आप निश्चित रहिये। कमीशन बैठाने का भोग आप लोग भोग रहे हैं

और सन् 1980 के चुनावों में जनता ने आपके मुंह पर जो तमाचा मारा है उस तमाचे को अभी तक आप अपने गाल पर सहला रहे हैं। आपकी गाल का दर्द अभी तक खत्म नहीं हुआ है।

श्री रामकृष्ण हेगड़े : सन् 1977 में जो तमाचा मारा गया था उससे यह तमाचा बड़ा नहीं है।

श्री जे. के. जैन : सन् 1980 में आपका सफाया हो गया। इससे पहले जब श्री चरण सिंह प्रधान मंत्री बने तो वे पार्लियामेंट के सामने कभी नहीं आए। इसलिए इस बात को मत कहिये कि सन् 1977 में आपका सफाया हो गया। देश की जनता ने फिर से श्रीमती इन्दिरा गांधी को और कांग्रेस (आई) को सन् 1980 में चुना। इसमें आपको शर्म से अपना मुंह चुल्लू भर पानी में डुबोकर कहीं पहुंच जाना चाहिए।.. (व्यवधान) ..

VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Order please.

श्री जे. के. जैन : उपमहाध्वज महोदय, इनका दोष नहीं है। क्योंकि 1977 में सत्ता जो इनको मिली तो इतने बड़े देश का प्रशासन, जिस देश की आबादी 70 करोड़ हो, वह देश इनके हाथ से ऐसा चला गया जैसे कुंये से जब पानी निकालते हैं तो डोरी चली जाती है और उनकी बाल्टी कुएं में गिर जाती है। अब बाल्टी इनके हाथ में आने वाली नहीं है, हेगड़े साहब आप निश्चित रहें। ये ख्वाब देख रहे हैं कि 1977 में जिस तरह बिल्ली के भाग से छींका टूट गया था और बिल्ली मलाई खाने लगी थी, उसी तरह होगा। इन्होंने देश की जनता को जिस तरह से लूटा, क्या क्या कर्म कये, इसकी मैं थोड़ी सी जरूर जानकारी दूंगा क्योंकि इन्होंने यहां

पर एक ऐसा मसला खड़ा किया है। देश को चलते हैं तो ये चलने नहीं देते और अगर किसी काम में देरी हो तो ये कहते हैं कि ब्यूरोक्रेसी हावी हो गई है। बड़ी विडम्बना है। हैड भी मेरा टेल भी मेरा। अट भी मेरी तट भी मेरी ...

श्री एन० के० पी० साल्वे : अंटा मेरे बाबा का।

श्री जे० के० जैन : यह मैं कहना नहीं चाहता। लेकिन साल्वे साहब कह रहे हैं कि अट भी मेरी पट भी मेरी और अंटा मेरे बाबा का। पीलू मोदी साहब यह नीति अगर आपको इस देश में चलानी है जिससे देश की जनता गमराह हो तो मेरा आपसे निवेदन है कि कम से कम भगवान के लिये इस सदन का समय इस तरह से बेकार की चीजों के ऊपर बरबाद करने का प्रयास न करें। ... (व्यवधान) ... यह मैं पहले कह चुका हूँ कि मजमा लगाया और मजमा लगाकर चले गये, कीचड़ उछालकर भाग गये। पर अब मुझे इस बात की प्रसन्नता है कि अब धीरे-धीरे आने शुरू हो गये हैं। क्योंकि अभी तक यहां पर चार आदमी दिखाई दे रहे थे अब कम से कम भरा हुआ नजर आ रहा है इनका सेक्शन।

श्री अरविन्द गणेश कुलकर्णी : हमको मालूम नहीं था कि आपका विद्वतापूर्ण भाषण होने वाला था। हमको मालूम नहीं था और हम बाहर चले गये। अब करो हम भी बहुत तैयार हैं।

श्री पीलू मोदी : हम तो सुनने तो तैयार हैं लेकिन आपके मिनिस्टर नहीं हैं आपको सुनने के लिये।

THE VICE-CHAIRMAN (Dr. Rafiq Zakaria): Mr. Kulkarni \_\_\_\_\_ (Interruptions)

883 RS—10

SHRI ARVIND GANESH KULKARNI: No. Sir, he called me.

THE VICE-CHAIRMAN (Dr. Rafiq Zakaria): He said that the benches were empty. Now, I am glad, they are getting filled up. (Interruptions)

SHRI ARVIND GANESH KULKARNI: You called me. I am not interested in the rubbish of Jain. He is washing the same damn thing. (Interruptions)

श्री एन० के० पी० साल्वे : मान्यवर, डिबेट डल हो रही है जूडो टाइप हो ... (व्यवधान) ...

श्री जे० के० जैन : उपसभाध्यक्ष महोदय, आप देखिये कि इनके दो फेस कैसे हैं। अभी कह रहे थे कि विद्वतापूर्ण भाषण हो रहा है, पहले यह बोल दिये और अंग्रेजी में अब कह गये रविण, एक ही मुंह से दो बातें।

श्री अरविन्द गणेश कुलकर्णी : मराठी में महा विद्वान जिसको बोलते हैं वह गधा होता है।

श्री जे० के० जैन : अंग्रेज को हिन्दी में कहा गया कि तू बड़ा गधा है। अंग्रेज ने पूछा इसका क्या मतलब होता है। उसने कहा आप बहुत इन्टेलिजेंट आदमी हैं। देखिये हिन्दी के विद्वतापूर्ण शब्द को, आप हिन्दी की डिक्शनरी को नहीं बदल सकते। विद्वान को विद्वान ही कहना पड़ेगा। इसलिये आप इतनी जल्दी अपने स्टेटमेन्ट को न बदला करें।

AN HON. MEMBER: No Minister is there. (Interruptions)

SHRI J. K. JAIN: Many Ministers are here. Open your eyes.

THE VICE-CHAIRMAN (Dr. Rafiq Zakaria): The Leader of the House is here. (Interruptions)



श्री जे० के० जन : उपसभाध्यक्ष महोदय, तेल की बात है और दलवीर सिंह जी, स्टेट मिनिस्टर जो हैं क्या वह बैठे हुए नहीं हैं। पर इनको नजर ही नहीं आता है। यह इनकी आदत हो चुकी है।

श्री अरविन्द गणेश कुलकर्णी : हमारे पास मसाला है ... (व्यवधान) ...

श्री जे० के० जन : उपसभाध्यक्ष महोदय, इनको देखिये। यहां पर मिनिस्टर बैठे हैं या नहीं। जो सदन में अस्त्य बोलते हैं कि मिनिस्टर नहीं है ...

उपसभाध्यक्ष (डा० रफीक जकरीया) : जैन साहब इनके इन्टरप्शन का जवाब मत दीजिये आप अपनी स्पीच भूल जायेंगे। ..... (Interruptions)

Mr. Mody, you should be the last person to interrupt, because you were listened by the House in pin-drop silence.

SHRI PILOO MODY: You were the only person who interrupted me. Is pressing the Bell during pin-drop silence?

श्री जे० के० जन : तेल की बात यह भूल जाते हैं क्योंकि इनकी मेमोरी बड़ी शाट है जिस समय कांग्रेस (आई) शासन में आई जनवरी, 1980 में जरा देखिये रिकार्ड उठा कर आप अखबार पढ़ते हैं, अखबारों को उठा कर देखिये कि क्या हाल हुआ था 1979 के अन्दर पेट्रोल पम्पों से एक एक किलोमीटर दूर तक ट्रकों की लाइनें डीजल के लिए खड़ी रहती थीं।

श्री कल्पनाच राय : करेक्ट।

श्री जे० के० जन : आसाम के अन्दर जो इन्होंने जहर का बीज बोया है जिस तरह से उन्होंने आसाम के अन्दर समस्या खड़ी की थी ...

श्री रामकृष्ण हेगड़े : यह तो सब मिनिस्टर के स्टेटमेंट में है।

THE VICE-CHAIRMAN (Dr. Rafiq Zakaria): Mr. Hegde, you don't come nearer to create more trouble.

श्री जे० के० जन : आसाम की रिफाइनरीज को इन्होंने चोक किया और इनके जो मंसूबे थे कि देश के अन्दर डीजल और पेट्रोल न मिल पाए और उधर आसाम की रिफाइनरी भी बन्द हो जाएं, उधर बाहर से तेल भी न आए और इस तरह से हमारे यहां ट्रक, स्कूटर, ट्रांसपोर्ट बिल्कुल बन्द हो जाएं क्योंकि यह इनकी चालबाजी थी और इसमें यह सफल नहीं हुए और हमारे देश के कुशल मंत्री श्री पी० सी० सेठी ते तुरन्त निर्णय लिया जिसकी वजह से इनके मंसूबे बरबाद हुए हैं (व्यवधान)

श्री पीलू मोदी : आनरेबल मैन, एक पैसा जेब में नहीं डालता। (व्यवधान)

श्री जे० के० जन : देखिये, पीलू मोदी साहब आपको जो जगलरी है और आप बात इस तरह से करते हैं उसे आप प्रभावित नहीं कर सकते। यह बातें आपकी जो है यह काम आने वाली नहीं है। न आपके काम आएंगी और न देश के। इसीलिए आप आज तक देश में लीडरशिप प्राप्त कर ही नहीं पाए। आपका जो इमेज बना हुआ है उसको आप बदलिये। अब जमाना बदल गया है। दूसरी एक शताब्दी में हम प्रवेश करने जा रहे हैं।



**श्री पीलू मोदी :** गुंडों का राज शुरू हो गया है (व्यवधान)

**श्री जे० के० जैन :** उपसभाध्यक्ष महोदय, सरकार कोई कानून इस दृष्टि से नहीं पास करती कि इससे लाभ होगा या हानि होगी। सरकार का नजरिया देश-वासियों को किस तरह से तकलीफें निकल जाएं, किस तरह से उनको सुविधाएं मुहैया की जाए यह सरकार का जो दृष्टिकोण है यह सर्वोपरि होता है। यदि सरकार व्यापार की चीजों में जैसे निर्णय देने की ओर ध्यान देने लगे तो देशवासियों का उत्थान नहीं हो सकता। सरकार के व्यापारियों की तरह से ध्यान देने से हो सकता है जनता पार्टी और बी० जे० पी० के जो बड़े बड़े सपोर्टर हैं उनको जरूर लाभ हो जाए लेकिन हमारी पार्टी की हमारी सरकार की यह नीति नहीं है। हमारी सरकार हमेशा इस बात को ध्यान में रखती है कि कोई कठिनाई यदि दूर से दिखाई दे रही है तो उसका पहले से इन्तजाम किया जाए और इसी बात को ध्यान में रखते हुए श्री पी० सी० सेठी ने जो काम किया किस तरह से तेल और डीजल हमारे देश के अन्दर मुहैया कराया उसके लिए हमारे इन ट्रक ड्राइवरों से पूछिये। हम आप लोगों के इस क्रिटिसिज्म की बिल्कुल परवाह नहीं करते। उन ट्रक ड्राइवरों और उन श्री व्हीलर जो चलाते हैं उनसे आप पूछिये कि किस तरह से हमारी सरकार के शासत में आने के साथ ही उनके स्कूटर के पहिये चलने लगे, ट्रकों से पहिये चलने लगे। तो भाइयों, मैं निवेदन करता चाहता हूं विरोधी दल के लोगों से कि वे अपनी नीति को थोड़ा सा रचनात्मक बनाएं क्योंकि विघ्नात्मक कार्यवाहियों से आपका भला नहीं होगा यह आप स्वयं देख चुके हैं।

**श्री अरविन्द गणेश कुलकर्णी :** हम राम लीला ग्राउंड पर नहीं है, पार्लियामेंट में हैं।

**श्री जे० के० जैन :** अभी तो आपके नेता ने फुटपाथ बना दिया मजमा लगा कर दर्शक-दीर्घा में लोग बैठ हुए हैं। जब पीलू मोदी साहब के बारे में वे बाहर जा कर बात करते हैं तो मुझे कहते हुए शर्म आती है कहते हैं कि पीलू मोदी साहब मजमा लगाते हैं। इनकी स्पीच सुनने के बाद क्या कोई कह सकता है कि कुछ प्राप्त हुई। श्री कुलकर्णी जी ने राम लीला कह दिया क्योंकि वे उधर बैठे हुए हैं उनकी बातें सुनेंगे। (व्यवधान)

SHRI PILOO MODY: It shows the company he keeps. (व्यवधान)

**श्री जे० के० जैन :** राम लीला कर रखी है, राम लीला कोई बुरी चीज नहीं है। आप तो राम के समर्थक कहते हैं अपने आप को। रावण लीला कह दीजिये (व्यवधान) आपकी बुद्धि नहीं है कहते ही यह बोल पड़ रावण लीला। उपसभाध्यक्ष महोदय, राममूर्ति जी अपने भाषण को समाप्त कर रहे थे। तो उन्होंने भी कमीशन की मांग की, श्री लाडली मोहन निगम जी ने भी कमीशन की मांग की। तो यह कमीशन की मांग तो इनकी अब पूरी होने वाली नहीं है क्योंकि कमीशन बैठकर जो इन्होंने कार्यवाही की... (व्यवधान) वह देश की जनता ने नहीं बल्कि सारे वर्ल्ड ने देख ली। इसलिये भाईयों आप बिल्कुल निश्चित रहिये कोई कमीशन बठाकर हम देश का करोड़ों रुपया बरबाद नहीं करना चाहते... (व्यवधान) उपसभाध्यक्ष महोदय, फिर वही आयल की बात क्योंकि चर्चा इन्होंने ऐसी छिड़वायी है कि इसके ऊपर सफाई तो देनी है। क्योंकि गंद ये डालते हैं और सफाई हम करते हैं। अभी इन्होंने कहा की फ्रिक्स प्राईस के

[ श्री जे० क० जैन ]

ऊपर डीजल क्यों खरीदा गया, बेरियबुल प्राईस के ऊपर क्यों नहीं खरीदा गया तथा इन्होंने कहा कि इस्कलेशन और डी-इस्कलेशन को ध्यान में नहीं रखा गया। उपसभाध्यक्ष महोदय, आप भी जानते होंगे कि सारे विश्व में किस तरह से तेल की लाबी चलती है, हमारी जो कुछ लाबी है इन्होंने किस तरह से हमारे अफसरों को भी प्रभावित किया हुआ है। हमारे भोले अफसर है, लेकिन मुझे पूरी आशा है कि आज इन्होंने यह डिबेट कराई है, इसमें कुछ एक दो बातें मैं यहां कहने जा रहा हूं जिससे शायद वे थोड़ा सा सबक लेंगे कि जो आयल को लाबी हैं वह इस्कलेशन और डी-इस्कलेशन क्यों चाहती है। जिस समय कूड जहज के ऊपर लाद जाता है, उससे पहले बिल आफ लेडिंग तयार कर दिया जाता है। हर व्यक्ति जानता है, आयल की जो प्राईस होती है, उसकी पोस्टिंग की जाती है और जिस दिन के अंदर आयल की प्राईस ज्यादा होती है, तेल बंदरगाह में या जहाज पर लदा हो या न लदा हो लेकिन बिल आफ लेडिंग तयार कर लिया जाता है और उन बिलों की लेडिंग के आधार पर पेमेंट किया जाता है।

उपसभाध्यक्ष महोदय, हमारे कुशल मंत्री श्री शिव शंकर जी यहां बैठे हुए हैं मैं इनसे निवेदन करना चाहता हूं कि जो नियम अब तक बने हुए हैं उनको वे थोड़ा सा रिवाईज करे और इस बात की यह जांच करायें कि क्यों इस प्रकार से इतने इम्पार्टेंट आईटम जिनकी बजह से हमारे देश का सारा काम काज चौपट हो सकता है, चोक हो सकता है, इनके लिये ऐसे नियम बना रखे हैं। हम यहां पर पैट्रोलियम का आयात व्यापार करने के लिये नहीं करते बल्कि हमारी जरूरत है इसलिये करते हैं। हम ऐसे गंदे नियमों से बन्धकर

अपने देशवासियों को एक गर्क में नहीं भेज सकते हैं। इसलिये मैं निवेदन करता हूं कि ऐसी पालिसीज, ऐसे रूल्स और रेगुलेशन जो हमारे अधिकारियों ने आयल लाबिस्ट की बातों में आकर बनाये हुए हैं उनको तुरन्त रद्द करें और उनको रिवाईज कर नये नियम बनायें।

उपसभाध्यक्ष महोदय, सदन में बहुत से चार्जज लगाये गए हैं। श्रीमान्, पीलू मोदी जो ने बड़े व्यंग्गात्मक तरीके से यह कहा कि सेठी साहब बड़े कुशल और ईमानदार व्यक्ति है। मैं जानता हूं सारा देश जानता है कि पी० सी० सेठी साहब जसा ईमानदार व्यक्ति हमारी पार्टी में.. (व्यवधान) ही हो सकता है.. (व्यवधान) इन लोगों की बुद्धि देखिये, पी० सी० सेठी जैसा.. सुनिये, तुम्हारे इस हल्ला करने से तो मेरे शब्द बदल नहीं सकते। पी० सी० सेठी जैसा व्यक्ति हमारे ही दल में हो सकता है, हमारी पार्टी में ही हो सकता है और हमारी सरकार में हो सकता है। लेकिन जनता पार्टी के शासन में क्या करता रहा कान्ति देसाई? मंत्रियों के हाथों से काम करा करा कर उसने कमीशन भर भर कर अहमदाबाद के पास अपने महल बनवाये (व्यवधान) जरा ठहरिये, सुनिये, सुनने की थोड़ी शक्ति रखिये। मैं जानता हूं आप बड़े शक्तिहीन हैं लेकिन सुनने की शक्ति रखिये.. (व्यवधान)

SHRI ARVIND GANESH KUL-KARNI: Would you mind if I quote to you?

SHRI J. K. JAIN: Please sit down. Please sit down. (Interruptions), You are a very elderly person. Please sit down.

SHRI ARVIND GANESH KUL-KARNI: Have you ever read?

THE VICE-CHAIRMAN (DR. RA-FIQ (ZAKARIA): Mr. Kulkarni, you are going to speak when your turn comes.

SHRI ARVIND GANESH KUL-KARNI:  
But I am trying to give him information about Mr. Sethi How such a good person he is? If you are interested, write a letter to the Director of Intelligence. Now the money must have been paid.

वह अच्छा आदमी है।

श्री जे० के० जैन : श्री पीलू मोदी जो बड़े व्यंग्मात्मक ढंग से बातें कर रहे थे, मैं उनका निराकरण, उनकी जो शंका है, उसका समाधान यहां करना चाहता हूं कि... (व्यवधान)

श्री पीलू मोदी : कोई शंका नहीं है।... (व्यवधान)

श्री जे० के० जैन : किस प्रकार से इनकी जनता पार्टी के मंत्रियों को कान्ति देसाई ने अपना स्टूज बना करके रखा, काम कराता था और रुपयों की थैलियां अपने घर में भिजवा देता था, और अहमदाबाद के पास... (व्यवधान) यह तो मैं रिपोर्ट की बातें बता रहा हूं कि... (व्यवधान)

श्री राम कृष्ण हेगड़े : इंकवायरी हुई। उसके बाद क्या हुआ ?

श्री जे० के० जैन : ठहरिये, इंकवायरी हुई—आप तो जूडिशरी के बड़े हिमायती बनते हैं। मगरमच्छ के आंसू बहाते हैं, मगर जूडिशरी के बारे में आपके मन में कितनी शंका है?... (व्यवधान)

SHRI ARVIND GANESH KUL-KARNI:  
Let me say. Mr. Jain would you sit down...?

THE VICE-CHAIRMAN (DR. RA-FIQ ZAKARIA): We are already short of....

SHRI ARVIND GANESH KUL-KARNI:  
Why don't you ask him to sit down so that we can hear something sensible?

THE VICE-CHAIRMAN (DR. RA-FIQ ZAKARIA): I would beg of all the Members to co-operate.

श्री जे० के० जैन : मैं तो इस सदन का तब सदस्य नहीं था, लेकिन मैं सारी कार्यवाही पढ़ता था कि किस प्रकार से मोरारजी देसाई और उसका परिवार—अभी साल्वे जी यहां बैठे हुए हैं—किस तरह से आपने सारी कार्यवाही को अंजित किया था ? उसको भूल गये क्या? ... (व्यवधान)।

एक माननीय सदस्य : भूल गये।

श्री जे० के० जैन : अभी जब मोदी जी टेंडर की सैक्टिटी की बात कर रहे थे, तो मैं बड़ा हैरान हो रहा था। अगर मैं गलत कह रहा हूं तो मोदी जी कह सकते हैं।

इसी सदन के अंदर मोदी जी ने यह कहा था कि हर काम टेंडर से नहीं होता है। आज यह टेंडर की सैक्टिटी की बात करते हैं। यह तो है आर्किटेक्ट है बहुत बड़े, कितने काम इन्होंने टेंडर से किये हैं? यह टेंडर की सैक्टिटी में बिल्कुल विश्वास नहीं करते। यहां एक विषय पर चर्चा करते हुए इन्होंने कहा था कि हर काम टेंडर से नहीं होना चाहिये। अगर पीलू मोदी साहब चाहें, तो प्रोसीडिंग निकाल करके देख लें।

एक माननीय सदस्य : आप बताइये न।

श्री जे० के० जैन : मैं बता रहा हूं कि जाकर प्रोसीडिंग देख लें।

श्री पीलू मोदी : मैं क्यों जाऊं।

श्री जे० के० जैन : तो आप खड़े होकर कहिये कि आपने यह नहीं कहा, बोलिये... (व्यवधान)

श्री पीलू मोदी : मुझे तो कुछ याद ही नहीं है ।

श्री जे० के० जैन : देखिये, आज इनको आयल के टेंडर की बात बहुत याद है । अपने मुंह से कही हुई बात इनको याद नहीं रहती है ।

यह जानते हैं कि हमारे कुशल मंत्री स्टेटमेंट दे चुके हैं कि चौदह फर्म्स ने टेंडर भेजे हैं । अब यह कहते हैं कि उसमें फिक्सड प्राइस टेंडर नहीं था । इनको जानकारी होनी चाहिए कि टेंडर था और उसमें से चार पार्टियों ने फिक्सड प्राइस के लिये भी कोट किया और जिस पार्टी का लीएन्ट टेंडर था, उसको आर्डर दे दिया गया ।

श्री पीलू मोदी : बिल्कुल गलत । . . . (व्यवधान) तुम्हारी पार्टी ने फिक्स प्राइस नहीं कोट किया था . . . (व्यवधान) पहले यह बताएं कि यह गलत क्यों बोल रहे हैं ? . . . (व्यवधान)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Jain, you address the Chair. Don't address him.

SHRI J. K. JAIN: I am addressing you, Sir,

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You ignore their interruptions,

श्री जे० के० जैन : मैं हर बात के लिये आपको ही एड्रेस करता हूँ, लेकिन यह इतने अशिष्ट है . . . (व्यवधान) मेरी बात तो सुनिये . . . (व्यवधान) वहाँ से बैठे-बैठे कमेंटरी करते रहते हैं । शिष्टाचार नाम की कोई इनकी चीज नहीं है ।

शरीर के लिए मैं इनको बघाई देता हूँ कि इन्होंने बंगलौर जाकर कुछ हल्का कर लिया है । लेकिन अभी इतना हल्का नहीं किया कि उठ करके आपसे इजाजत लेकर बोल सकें । इसलिये बैठे-बैठे वहाँ से कमेंटरी करते रहते हैं । . . . (व्यवधान)

SHRI PILOO MODY: What is that I am commenting upon while I am sitting here? Sir, because he is standing he is commenting from that end. I am not.

SHRI J. K. JAIN: Who has given you the permission?

SHRI N. K. P. SALVE: Both of you are a match to each other.

श्री जे० के० जैन : नाम ले रहें थे मेडिटरेनियन और सिंगापुर का । अरे, भूल गए, अपने शासन को, श्री बहुमुणा जिस समय पेट्रोलियम मिनिस्टर थे । तो उन्होंने तेल, पता है कहां से लिया ? मैक्सिको और वनेजुला से । जरा बताइए और जवाब दीजिए . . . (व्यवधान)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Please. I would request hon. Members. Please stop this interruption because the speeches, unfortunately are becoming lengthier and lengthier and we may have to sit for a longer time.

SHRI PILOO MODY: You should stop him. ,

SHRI RAMAKRISHNA HEGDE: He is making some allegations. (/?!-terntptioits)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Every body is making allegations, you cannot say that from your side, no allegations were made. If he has made allegations, there are several speakers from your side who can meet those allegations.

SHRI PILOO MODY: If he talks about this deal, there will be no interruptions unless he speaks lies.-

But if he starts talking about Bahu-guna, about Venezeula, about Mexico, about Ram Lila and things like that, you cannot except us to take him seriously.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): He did not talk about Ram Lila. Mr. Kulkarni talked about it.

SHRI J. K. JAIN: Mr. Piloo Mody, you were not here when Mr. Nigam was speaking.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Jain, please confine yourself to the subject.

श्री जे० के० जैन : उपसभाध्यक्ष महोदय, देखिए । मेरी कांग्रेस (आई) पार्टी है । मैं उस का सदस्य हूँ । हमारी पार्टी सही काम करती है । हम बड़ी शान से कहते हैं कि हम कांग्रेस (आई) के सदस्य हैं । लेकिन ये अपने गलत काम कर के अपनी पार्टी को डिस्ऑन करते हैं... (व्यवधान)... क्योंकि इन्होंने यह कहा, बनेजुआ और मैक्सिको के बारे में किस की पार्टी थी, जरा पीलू मोदी जी बताने का कष्ट करेंगे ? क्योंकि मैक्सिको और बनेजुआला से जो तेल खरीदा गया वह हमारे यहां की रिफायनरी के लायक नहीं था । टेकिनकली वह हमारी रिफायनरी के लिये घटिया किस्म का क्रूड उन्होंने लाकर खरीदा । और सभी जानते हैं, सब लोगों ने वर्ल्ड का मैप देखा है कहां मैक्सिको है और कहां बनेजुआला है । क्या कारण है कि यह डील गयी ?

SHRI PILOO MODY: How is this connected with this deal. •

श्री जे० के० जैन : अभी निगम साहव दलाल का जिक्र कर रहे थे । यह डील

एक पार्टी थी एक्जोन, उस के माध्यम से की गयी जिस की वजह से... (व्यवधान)

SHRI RAMAKRISHNA HEGDE: He is referring to some other deal. (Interruptions)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Hegde, please. You are not sitting there to tell him what he should say and what he should not say.

SHRI J. K. JAIN: They are dictators

उपसभाध्यक्ष महोदय, एक्जोन के माध्यम जो इन्होंने यह डील की उस की वजह से सऊदीज का हम से नाखुश होना लाजिमी था । हमारी सरकार की फाइले बोल रही है कि सऊदीज ने किस तरह से इन की डील का बुरा माना । मैं आज धन्यवाद करना चाहता हूँ इस सदन के माध्यम से राष्ट्रनेता श्रीमती गांधी का कि जिस तरह वह सऊदी अरब गयी और उन के जाने के बाद हमारी आयल की सिचुएशन...

एक माननीय सदस्य : बैठ जाओ अरब ।

श्री जे० के० जैन : तकलीफ होती है । इंदिरा गांधी जैसे विशाल व्यक्तित्व का नाम सुनते ही इन के हार्ट की पेलपिटेशन फास्ट होने लगती है या बन्द होने लगती है । उपसभाध्यक्ष महोदय, प्रधान मंत्री के सऊदी अरब जाने के बाद हमारी जो पेट्रोल की डील्स है सऊदी अरब के साथ वे फिर सुचारु रूप से चल रही है ।

श्री पीलू मोदी : चार सौ बीस रूप से ।

श्री जे० के० जैन : ये चार-सौ बीसी की बात कर रहे हैं ।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Mody,

[The Vice-Chairman]

would you please co-operate with me?

SHRI PILOO MODY: You get him on the rail. I will co-operate.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You should stop this interruption.

SHRI PILOO MODY: What nonsense he talks? (*Interruptions*) Now, even the nonsense has got adulterated.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I would appeal to the leaders of the Opposition on that side that when you were speaking-----

SHRI PILOO MODY: You should appeal to both sides. . .

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): When Mr. Ramamurti was speaking, when Mr. Piloo Mody was speaking, and even when Mr. Nigam was speaking, the other side gave you a patient hearing. There is no question of your saying what he should say and what he should not say. Mr. Piloo Mody could have been interrupted every single second, every minute.

AN HON. MEMBER: He was speaking truth.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You cannot say that everything he said was acceptable to other side. But, we should have certain decorum, some decency.

SHRI PILOO MODY: You must say that everything which is being said here should be on the subject matter under discussion.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): This has already been gone into. In fact, when I gave a ruling on this point, that you cannot speak anything under the sky, I

was subjected to all kinds of criticism.

SHRI PILOO MODY: During budgetary discussions, it is true, you can speak on any subject.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): And Mr. Jain is not speaking irrelevantly in the sense if he is talking of Venezuela and Mexico, he is talking on oil deal during the Janata regime.

But now may I request you. Mr. Jain, not to react to their interruptions?

SHRI J. K. JAIN: Reaction is on the other side. '

SHRI RAMAKRISHNA HEGDE: In that case there is an open offer to Mr. Jain and the Treasury Benches, let them hold enquiries in both the affairs.

श्री जे. के. जैन : हमें क्या करना है हम जानते हैं हमें राय मत दीजिये ।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Hegde, Dr. Bhai Mahavir is the next speaker. He can make that offer in his speech if you so suggest to him and that will be taken very seriously than the interruption like this.

SHRI RAMAKRISHNA HEGDE: Interruptions are legitimate part of the debate (*Interruptions*)

SHRI PILOO MODY: Let us all listen to what Shrimati Usha says. (*Interruptions*).

SHRI J. K. JAIN: Why don't you go to a fish market? Go and buy fish for your evening dinner.

उप-

सभाध्यक्ष महोदय, आयल डिवेट का नाम ले कर जो एक पिक्चर इन्होंने पोतनी चाही थी कांग्रेस सरकार के बारे

में उस में यह बिल्कुल नाकामयाब हुए हैं। मैं यह कहना चाहता हूँ कि भविष्य में इस प्रकार के कामों में लग कर ये कुछ ऐसे काम करें कि देश के लोग इनको याद करें। अभी देश के लोग इन के उन काले कारनामों को रोज याद करते हैं चाहे वह घड़ियों का मामला हो जो स्मर्गलिंग कर के इन के मुख्य मंत्री का बेटा लाया हो, चाहे नैनीताल में इन के किसी बड़े लीडर ने सरकारी जमीन को दस हजार में ले कर पांच लाख में बेच दिया हो, चाहे डेसू के अन्दर घटिया तारों की सप्लाई का मामला हो, चाहे डेसू में घटिया कोयले की सप्लाई करवाने का मामला हो। उपसभाध्यक्ष महोदय, इन बातों से कुछ निकलने वाला नहीं है। मैं निवेदन करना चाहता हूँ कि कितने इन के कारनामों मेरे पास लिखे हुए हैं। मैं नहीं चाहता कि इन के गन्दे इतिहास को यहाँ पर खोला जाय। मैं इन का आवाज करता हूँ कि देश के नवनिर्माण में, देश के लोगों की गरीबी को मिटाने में दोनों हाथों से मिल कर काम करने का साहस करो। इन लोगों ने इस डिबेट के लिये जो प्रश्न, 7, 8, 10 दिन से दोनों हाउसेज में बिल्ड अप किया इन चीजों से देश बेखबर नहीं। मैं इन से निवेदन करना चाहता हूँ कि अपनी इस तोड़फोड़ की प्रकृति और प्रवृत्ति को छोड़ कर कुछ रचनात्मक प्रवृत्ति अपनाइये।

**डा० भाई महावीर (मध्य प्रदेश) :**  
उपसभाध्यक्ष महोदय, मुझ से पहले बहुत से माननीय मित्रों ने आज की चर्चा का जो विषय है उस के कई पहलुओं पर रोशनी डाली। मेरे मित्र श्री भंडारे ने तीन, चार बार कहा कि उन को बड़ा गर्व है जिस ढंग से सेठी जी ने इस मामले को निपटाया उन्होंने उस व्यवस्था पर भी गर्व प्रकट किया जो आज अपने देश में चल रही है। लोकतन्त्र की प्रणाली, संसदीय पद्धति,

इस पर वे गर्व करें तो सारा सदन और सारा देश उनके साथ इन पर गर्व कर सकता है। लेकिन प्रश्न लोकतन्त्र की प्रणाली या संसदीय पद्धति पर गर्व करने के बारे में नहीं है। प्रश्न उठा किसलिये? लोकतन्त्र की पद्धति को संवारने वाले काम अगर हों तब तो उन का स्वागत करना चाहिये, लेकिन अगर उस पद्धति को बिगाड़ने वाले कोई काम होते हों तो सरकार को कम से कम खुले दिल से आ कर उस के सारे तथ्य सामने रखने चाहिये और अगर कहीं गलती हुई है तो उस को सुधारने का आश्वासन देना चाहिये। होता क्या रहा है। जब से महोदय, इस मामले को पहली बार प्रकाश में लाया गया तब से दोनों सदनों के अन्दर यह प्रयत्न हुआ कि इस के ऊपर चर्चा हो। जो कमेटी आन पब्लिक अन्डरटेकिंग्स का कार्य होता रहा उस का जिक्र भी बार-बार आता रहा, लेकिन उन सारी कोशिशों के बाद कितनी मुश्किल से यह स्थिति पैदा हुई कि सरकार इस तेल की खरीद के मामले को सदन में चर्चा के लिये स्वीकार कर सकी। क्या इस पर उन को गर्व है कि किसी एक मामले को इस प्रकार से छिपाने और दबा कर रखने की कोशिश की गयी। मैं समझता हूँ कि इस पर तो किसी को गर्व नहीं होना चाहिये। उन को गर्व था कि सेठी जी ने जिस तरह से काम किया, क्या वह बड़ा आदर्श था? क्या जैसे पहले तेल खरीदने के सौदे कमी नहीं हुये? क्या आज से पहले हर बार मंत्री डाइरेक्टिव दे कर किसी फर्म के पक्ष में खुद आदेश दिया करते थे? आज के पहले सौदे होते रहे हैं और मैं जानता हूँ कि अगर सैकड़ों नहीं तो बीसियों सौदे हुये हैं, शायद सैकड़ों ही हुये हैं, क्या किसी एक मीके पर भी इस तरह की बात आयी कि एक अलग

[डा० भाई महावीर]

फाइल बनाई गयी ? यह पी-20 नाम की फाइल इस सौदे के बारे में क्यों बनी ? इस को बनाने की जरूरत क्या थी ? मंत्री जी ने इस मामले के अन्दर इस तरह की असामान्य रुचि क्यों ली ? मंत्री जी ने हर सवाल पर जो आई ओ सी और मंत्रालय के दूसरे अफसरों को बुलवाकर मीटिंग करना, उन से बात चीत करना, अपनी राय उन को बताना, आदि जो कुछ किया उस तक तो शायद किसी को आपत्ति नहीं हो सकती, लेकिन इस के बाद निर्देश दिये गये और निर्देश भी किस भूमिका में दिये गये, महोदय, यह बात मैं आप के सामने रखना चाहता हूं, पहले भी यह बात रखी गयी है, लेकिन निर्देश कर के इस तरह सौदे को करवाया गया क्या यह आज की इस प्रणाली और परिपाटी का कोई जरूरी हिस्सा है जिस पर हमारे मित्र श्री भंडारे जी को गर्व है ? अगर ऐसा हुआ है तो फिर यहां पर कोई स्वायत्तता संस्थायें नहीं होनी चाहिये । हर सवाल के लिये मंत्री जी के पास फाइल आनी चाहिये और उन को फैसला करना चाहिये कि कहां से क्या खरीदना है और कहां से क्या नहीं खरीदना है । मेरे पास कमेटी आन पब्लिक अंडरटेकिंग की 49वीं रिपोर्ट है जिस में उन्होंने चर्चा की है कि कहां तक इन संस्थाओं को स्वतन्त्र काम करने का अधिकार होना चाहिये और कहां तक सरकार को उन्हें सलाह देने का अधिकार होना चाहिये । इसमें डाइरेक्टिब्ज और नार्म्स में अन्तर किया गया है । अगर यह सचमुच आटोनोमस संस्थान हैं तो उन को अपना काम करने के लिये सरकार को निर्देश या हुकुम देने की जरूरत नहीं है और सच्ची बात तो यह है कि तेल की खरीद के सैकड़ों मामलों में

कभी सरकार को ऐसी निर्देश देने की जरूरत नहीं पड़ी । इस एक मौके पर क्यों पड़ी ? और इस मौके पर भी किस तरह से सेठी जी ने इस सारे काम को अपने हाथ में लिया इसका हमारे सामने एक बड़ा रोचक और बड़ा नाटकीय वर्णन आया है हमारे मित्र श्री शिव शंकर जी के इस वयान के माध्यम से । श्री शिव शंकर जी किसी और की कारस्तानी का फल अपने सामने आता देख रहे हैं और इस लिये वह निर्लिप्त भाव से सारी बात सुन सकते हैं और मैं समझता हूं कि उन को किसी तरह की अंतरवेदना भी नहीं होनी चाहिये । यदि इसके अंदर कोई भूल हुयी है जो आज हम लोग उनके सामने रख रहे हैं तो उस को वह शान्तिपूर्वक सुन सकते हैं ।

सेठी जी ने महोदय, एक ऐसा फैसला किया कि जो कुछ मायनों में अगर बिल्कुल अभूतपूर्व नहीं तो काफी अर्थ में अभूतपूर्व सा था । सैकड़ों ठेकों में से सिर्फ 6 बार महोदय जी बेरियेबिल बेसिस है उस को छोड़ा गया और फिक्स्ड रेट पर सौदे किये गये । इस 6 बार में पांच बार, (या अगर कुल अवसर सात हो तो 6 बार होगा), उन में मामूली मात्रा में थोड़ी बहुत चीजों की खरीदारी की गयी । जहां तक बड़े सौदे का ताल्लुक है जो किसी एक माध्यम से सरकार ने डीजिल के किये या किरासिन के किये उन में पहली बार इतना बड़ा सौदा 5 लाख टन का किया गया जिसके लिये सेठी जी ने फिक्स्ड प्राइस का आधार निश्चित किया । यह फिक्स्ड प्राइस का आधार जो था उस में अगर यहीं तक बात रहती तो शायद न यह देश को ही विचित्र लगता और न किसी तरह का अचम्भा हम लोगों को देखने में आता । लेकिन तथ्य यह नहीं है । इस मामले



जब फैसला करने की नीयत आयी तो अफसरों को न जाने क्या सूझी कि उन्होंने उस पर मंत्री जी के निर्देश चाहे। इन सब तथ्यों को देखते हुए फाइल का बाद में लुप्त हो जाना इस तरह का एक नाटक है जिसको सामान्य तरीके से कोई मान नहीं सकता कि यह कोई साधारण चीज है। फाइल जैसे खोई, जिस तरीके से गायब हुई इसका वर्णन किया है शिवशंकर जी ने। उन्होंने कहा कि श्री बीरेन्द्र पाटिल जब आए तों उन्होंने प्रधान मंत्री की सलाह के लिये उसे भेजा क्योंकि उन्हें इतने महत्वपूर्ण विषय पर प्रधान मंत्री जी का मार्ग दर्शन मिलना चाहिये कि क्या हम आगे से उस निर्देश का पालन करें या नहीं जो सेठी जी ने लिखा है जिसके बारे में उन के शब्द स्पष्ट हैं—भले ही भंडारे जी उनको भूल रहे हों—

"Quotations based on escalation, de-escalation formulae are not in the overall interest of the country."

ये ये शब्द जो मंत्री जी ने लिखे। जब पाटिल साहब आए उन्होंने प्रधान मंत्री जी की राय लेनी चाही। यह अस्वाभाविक बात नहीं थी। सेठी जी को इस की जरूरत नहीं मालूम पड़ी कि इतने महत्वपूर्ण फैसले को अपने हाथों से अंकित करने के लिये पहले प्रधान मंत्री जी की राय ले लेते। लेकिन पाटिल साहब ने वह फाइल ऊपर भेजी। भेजी किस तरीके से इसका वर्णन आ चुका है। सामान्य तरीके से नहीं गई, सामान्य तरीके से उसका रिकार्ड नहीं रखा गया और न ही सामान्य व्यक्ति के माध्यम से वह गई। लेकिन वह गई और उसने जाने के बाद इस मंत्रालय ने साल, डेढ़ साल तक पूछा नहीं कि प्रधान मंत्री जी से जो अत्यावश्यक राय

मांगी गई थी उस का क्या हुआ। प्रधान मंत्री जी ने भी वह राय स्वयं देने की कोशिश नहीं की, शायद वे दूसरे कामों में व्यस्त थीं। फाइल भेजने के कुछ दिनों बाद पाटिल जी को प्रधान मंत्री जी की सम्मति की आवश्यकता क्यों अनुभव नहीं हुई। वह फाइल क्यों खो जाने दी गई? जब काफी असें बाद आडिट तेल वालों को जरूरत पड़ी तब कहीं खोज शुरू हुई और तब पता चला। पब्लिक अंडरटेकिंग्स कमेटी के सामने जब यह सवाल आया तब उसे लगा कि सचमुच इसके अन्दर दाल में कुछ काला है। यह स्थिति जो फाइल के विचित्र बिहेवियर से सामने आती है यह साधारण सी बात नहीं है। मैं भंडारे जी से जानना चाहता हूँ उन्हें क्या इस पद्धति पर गौरव है कि इस तरह से फाइल खो जाये। प्रधान मंत्री जी के पास राय जानने के लिये, सलाह लेने के लिये कोई जाये और साल भर उसको न कोई पूछे और न कोई जवाब आए, प्रधान मंत्री जी के स्पेशल असिस्टेंट के हाथों में वह सौंपी जाये और पता ही न चले वह गई कहाँ? ये प्रश्न देश के सामने हैं जिनका उत्तर जानना आवश्यक है क्योंकि इसमें बहुत सारे संशय और संदेह जुड़ जाते हैं। सेठी जी ने जो फैसले किये उनमें उन्होंने पहले के कुछ मूलभूत सिद्धांत बताये। उन्होंने कहा जो टेण्डर है उसकी एक पवित्रता होती है। टेण्डर की पद्धति का एक गुण है, एक पवित्रता है वह भंग नहीं होनी चाहिये। किन्तु उसे भंग करने के लिये जो कुछ किया जा सकता था वह सेठी जी ने स्वयं किया। उसके कुछ उदाहरण दिये गये मैं वह दोहराना नहीं चाहता। उन्होंने एक तरफा तौर पर सारी स्थिति बदल दी। जो पहले तय था कि आधार क्या हो टेण्डर का, उसको बदल कर उन्होंने फिक्स्ड प्राइस

[डा० भाई मंहावीर]

का आधार अपने आप कर दिया । उन्होंने लिखकर आदेश दिया कि किसे आर्डर दिया जाए । एक तरफ तो वे कहते हैं टेण्डर के आधार को बदलने की किसी को इजाजत नहीं दी जानी चाहिये और दूसरी तरफ खुद ही उस को बदलते हैं और एक विशिष्ट हाथ में टेण्डर जाए इसके लिये सारी जोड़-तोड़ करते हैं । सारे प्रोसीजर को छोड़ कर कुआँ आयल को थोड़ा सा अपनी दरें कुछ अंश में बढ़ाने की इजाजत दी गई । क्यों दी गई ? जिस दाम पर यह सौदा किया गया वह दाम भी उचित नहीं था । वह उचित था इसके लिये जो आंकड़े दिये गये हैं वे आंकड़े गलत तौर पर प्रस्तुत किये गये । सपोर्ट प्राइस को बताने के बजाय जो नोशनल पोस्टेड प्राइस है उसका हवाला देकर साबित करने की कोशिश की गई कि 7 दिनों या 10 दिनों के अन्दर दाम बढ़ने शुरू हो गये थे । असलियत यह है कि दाम अगर बढ़ने शुरू हुए थे तो इसका कोई आकस्मिक कारण था नहीं । दुनिया भर के जो विशेषज्ञ थे उनकी राय यह थी कि आगे दाम गिरने वाले हैं । दाम गिरने वाले थे इसके लिए उदाहरण देने की जरूरत नहीं है । इस संबंध में जो पत्र निकलते हैं, जो स्पेशलिस्ट मैगजीन और पत्र-पत्रिकाएं हैं उनका हवाला दिया जा चुका है, इसलिए मैं उनके अन्दर जाने की जरूरत नहीं समझता हूँ । वह सब कुछ छोड़कर जब सौदा हो गया तो बाद में यह पता लगा कि कुआँ आयल से जो सौदा हुआ उसमें लगभग साढ़े 12 करोड़ रुपयों का नुकसान हुआ । इस प्रकार से इस गरीब देश का साढ़े 12 करोड़ रुपये बर्बाद कर दिये गये । इस पर भंडारे साहब गर्व करते हैं । मैं समझता हूँ कि आज जरूरत है कि अगर यह पद्धति चलेती है तो इसका

मतलब यह है कि यदि इंडियन आयल कारपोरेशन को यह जिम्मेदारी सौंपी जाय, तो उसको इसका अधिकार भी दिया जाय जैसा कि मालूम पड़ता है, सौदे में इंडियन आयल कारपोरेशन को मौका नहीं दिया गया । यहां तक कि कामर्स सेक्रेटरी से भी राय नहीं ली गई । अगर वे कोई राय देते भी तो सेठी साहब को उसको रद्द करने का अधिकार प्राप्त है । ठीक है, ऐसा हो सकता है कि, वे उनकी राय को रद्द कर दें । भंडारे साहब ने कहा कि हमें डीजल की बहुत आवश्यकता थी । अगर देश की डीजल नहीं मिलती तो देश की अर्थ व्यवस्था बर्बाद हो जाती, जर्जर हो जाती । लेकिन मैं यह जानना चाहता हूँ कि क्या यह सही नहीं है कि डिपेंडेंसिलेन्स या एसक्वेन्स के आधार पर होता या निश्चित दामों का माल तो तभी आया जब उसको आता था । इस सौदे से उसके आने के समय में कोई अन्तर नहीं पड़ा । सौदे के आधार के कारण उसमें कोई परिवर्तन नहीं होता था । भंडारे साहब कहते हैं कि हम लोग इस देश में तेल को आने नहीं देना चाहते हैं । हम चाहते हैं कि देश में तेल आए लेकिन इस देश में आने वाले तेल से आप अपने को कलंकित न करें । देश पर कोई धब्बा न लगायें । उस समय सारे पश्चिमी यूरोप, अमेरिका और जापान में सारे स्टोरेज भर चुके थे और आगे दाम गिरने वाले थे । मैं जानना चाहता हूँ कि सेठी साहब को उनको यह कैसे इल्हाम हो गया कि राक बाटा आ चुका है और दाम बढ़ने वाले हैं ? इसके बाद यह हुआ कि दो हफ्ते के अरसे के बाद सेठी साहब को बदल दिया गया । क्यों बदल दिया गया ? सेठी साहब को बदलने के क्या कारण थे, यह सब मामला रहस्यमय है । आगे कभी इन बातों से पर्दा उठेगा । महोदय,

एक बात और हुई है जो इस काण्ड को नया रंग देती है। वह बात यह है कि यह सौदा करने का जो निर्णय हुआ वह सत्तारूढ़ दल के एक बड़े महत्वपूर्ण व्यक्ति के द्वारा हुआ, जो संसद के सदस्य भी हैं। वे उस फर्म के प्रतिनिधियों से पहले मिले और उनको लेकर मंत्री जी के पास आए। सच्चाई तो यह है कि जैसा अभी श्री लाडली मोहन निगम ने कहा, बिचौलियों को खास तौर पर बीच में लाया गया। शायद यह पहला मौका था जब ऐसा हुआ है। श्री शिवशंकर जी बता सकते हैं कि पहले हुआ है या नहीं। मैं यह जानना चाहता हूँ कि क्या यह सही नहीं है कि कुआ आयाल के प्रतिनिधि उन दिनों कुछ समय से यहां पर घूम रहे थे? श्री सेठी साहब यह स्वीकार कर चुके हैं कि वे लोग किस के साथ उनके यहां आए थे। उनके साथ हिन्दुस्तान मोनार्क के आदमी आए। इस हिन्दुस्तान मोनार्क के तीन मालिक हैं। एक श्री हरीशचन्द्र जैन हैं जिनको हड्डू भी कहते हैं।

[उपसभाध्यक्ष (श्री आर. आर. मोरारका) पीठासीन हुए]  
कांग्रेस (इ) के संसद सदस्य और वे दोनों एक साथ सन 1958 में देहरादून के दून स्कूल में भर्ती हुए थे। इसी साल इस देश के एक विशिष्ट व्यक्ति भी उगी स्कूल में भर्ती हुए जो कुछ दिनों के बाद स्कूल में नहीं रहे, लेकिन यह सज्जन और हिन्दुस्तान मोनार्क के प्रतिनिधि वहां चले रहे और स्कूल की शिक्षा लेते रहे... (व्यवधान)  
श्री पीलू मोदी साहब कहते हैं कि वे भी वहां पढ़ते थे। ये सब संयोग की बातें थीं। हमारे सत्तारूढ़ दल के यह महत्वपूर्ण व्यक्ति जो आज लोक सभा के सदस्य हैं, उनको साथ लेकर इस संस्था के प्रतिनिधि मंत्री जी के पास पहुंचते हैं और तब यह सौदा करवाने के लिए आधार बनता है।

महोदय, आज वह फर्म यहां आसफ-अली रोड पर है। 20/1 उसका पता है। अगर किसी को इसको पहचानने में दिक्कत आती है तो उस सड़क पर आकर देखिए वहां सड़क पर 7-8 लाख रुपए की टयोटा गाड़ी खड़ी रहती है जो एक-दो महीने पहले मंगाई गई है, उनकी जो इस सौदे में कमाई हुई है। इस की गवाही रही है। ये लोग कमाते हों कमाये। लेकिन सवाल यह है कि कमाने के लिए क्या यहां पर वह सारी पद्धति सारे बचाव के तरीके बरते गये जो एक लोकतांत्रिक देश में रोक-थाम चेक्स एण्ड बैलेसिज की पद्धति के अनुसार बनाये जाते हैं। ऐसी बात हुई दिखाई नहीं देती। इस फर्म को तेल का आयात करने का कोई अनुभव नहीं है। इसका काम है छोटे मोटे स्टील के आइटम बनाना है, साइकिल पार्ट्स और डिफेन्स के लाइट इंजलेयरी मर्चे बनाना है। लेकिन इसके बाद भी तेल के सौदे में आई और उसने आते ही यहां मंत्री की सारी योजना ऋण नीति या कार्य नीति सारी की सारी बदल गई। किस तरह से इस फर्म को यह सौदा दिया गया, यह जो हुआ इसका एक और पहलू आज हमारे सामने बड़े रोचक ढंग से लाया गया है, जो इस वक्तव्य में मंत्री जी ने दिया है। उन्होंने दो पत्रों को कोट किया है और कहा है कि फार्निशियल एक्सप्रेस ने यह लिखा और इकनामिक्स टाइम्स में यह लिखा। इकनामिक्स टाइम्स और फार्निशियल एक्सप्रेस को कोट करके यह साबित किया जा रहा है कि उस वक्त दाम आगे बढ़ने वाले थे और अगर हम नहीं खरीदते तो बड़ा घाटा देश को हो जाता। महोदय, यह बात अगर अपने तक ही होती और कुछ आदमियों, विशेषज्ञों और पत्रों की राय लेकर उसके अनुसार आपने

[डा० भाई महावीर]

फैसला किया होता तो भी बात समझ में आ सकती थी। लेकिन इसके अन्दर भी एक कहानी जुड़ी हुई है। महोदय, फाइनेशियल एक्सप्रेस और इकानामिक टाइम्स का आपने जिक्र किया। हमारे मित्र खुशवंत सिंह जी यहां से चले गये। अच्छा होता अगर वे यहां पर होते क्योंकि उनको शिकायत हो सकती थी। मंत्री जी ने दो पत्रों का जिक्र किया लेकिन हिन्दुस्तान टाइम्स का जिक्र नहीं किया जिसमें भी यह छपा। क्या यह अचम्भा नहीं है। महोदय, या एक संयोग नहीं है कि आज भी सारे तेल कांड में विचित्र संयोगों की एक ऐसी लड़ी आ रही है कि समझ में नहीं आता कि यह सब कैसे हुआ क्या प्रकृति ने, भगवान में खास बैठकर सोच-समझकर इसे बनाया है। यह विचित्र प्रश्न है।

महोदय, 20 फरवरी 1980 को फाइनेशियल एक्सप्रेस ने जिस रिपोर्ट का हवाला दिया है

"IOC calling tenders on escalation basis.... (By our special correspondent)."

फरवरी 19, 1980 की डेटल इन से यह रिपोर्ट है। मेरे पास इसकी कटिंग तो नहीं है पर मेरे पास 20 फरवरी 1980 के हिन्दुस्तान की रिपोर्ट जरूर है।

"IOC invite tenders for diesel imports."

अगर आप शुरू से लेकर अन्त तक पढ़ेंगे तो लगभग अक्षरशः वही बात फाइनेशियल एक्सप्रेस लिखता है और वही की वही बात उसी दिन हिन्दुस्तान टाइम्स भी लिखता है।

SHRI LAL. K. ADVANI: Comma, full-stop and brackets included.

डा० भाई महावीर : अगर आप पढ़ेंगे तो आपको यह लगेगा कि यह सामान्य ढंग से किसी पत्रकार को दी हुई रिपोर्ट नहीं है। इसमें राय दी गई है, सलाह दी गई है। टिप्पणी दी गई है, एक फतवा सा दिया गया है, इंडियन आयल के कर में झूठ भी बला गया है यही नहीं दो पत्रों द्वारा एक ही दिन और एक ही साथ ऐसी रिपोर्ट का इस तरह से निकालना, इसके बारे में अगर कोई एक्सप्लेनेशन या जस्टिफिकेशन है तो मैं चाहूंगा कि वह इस सदन को समझा दिया जाए। महोदय, इसमें कुछ लाइनें जो महत्व की मालूम होती हैं, दो-तीन लाइनें हैं उन्हें मैं आपके सामने रखना चाहता हूँ। सबसे पहले

"It is learnt that some traders have formed a cartel and quoted prices based on an escalation formula by which they can secure a higher price after the contract is awarded."

यह राय दी गई है और यह खबर सुनाई गई है कि दुनिया भर के अन्दर इस फार्मूले के अनुसार सौदा होते हैं। लेकिन एकाएक यह डिसकवरी की गई यह नया रिसर्च हुआ और हिन्दुस्तान टाइम्स ने भी उसी दिन किया और फाइनेशियल टाइम्स ने भी उसी दिन किया। दोनों के पीछे कौन सा सोर्स है, जिन्होंने दोनों के लिए एक ही रिपोर्ट बनाई वह कौन लोग हैं।

श्री पीलू मोदी : दो अखबार, एक जुवान।

डा० भाई महावीर : महोदय, आपकी इजाजत से उसके एक पैरे की तीन लाइनें पढ़ लेना चाहता हूँ।

श्री लाल कृष्ण आडवाणी : विचार एक है यह ठीक है लेकिन भाषा भी एक है और पंचुएशन भी एक है।

DR. BHAI MAHAVIR: I quote:

"In the past, IOC had made purchases at a firm price when the international prices were at their peak. But now a case is being made out that the contract should be concluded on a variable price basis."

यह हिन्दुस्तान टाइम्स का कोटेशन है।

श्री जे० के० जैन : प्लाइंट आफ आर्डर। प्रेस की स्वतंत्रता के प्रति जितना हमारे विरोधी दल के लोग बड़े चिंतित होते हैं उतने ही हम हैं। लेकिन आज अभी आप देखिए किस तरह से प्रेस स्वतंत्रता के ऊपर बराबर प्रहार किया जा रहा है यहां पर उसको आप नोट करें। इस प्रकार से कि प्रेस के लोग जैसे खरीदे हुए हैं आर्टिकल उसमें भी छपा उसमें भी छपा प्रेस के ऊपर इस तरह का प्रहार मगरमच्छ के आसू बहाने वाले लोग नहीं कर सकते। इसको आप को रोकना चाहिए। (व्यवधान)

एक माननीय सदस्य : यह नहीं बता-  
येंगे (व्यवधान)

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Order, please. In my view there is no point of order. The hon. Member may proceed.

डा० भाई महावीर : श्रीमन, यह मैंने हिन्दुस्तान टाइम्स का कोटेशन दिया है। फाइनेंशियल एक्सप्रेस की शब्द लगभग वही के वही हैं।

"In the past, IOC had bought at a firm price when the international prices were at their peak. But now a case is being made out that because of the past experience, the contract should be concluded on a variable price basis."

वही के वही शब्द हैं। मैं यह कहता हूँ कि ज्यादा अन्तर नहीं पड़ता अगर कोई एक मंत्री या कोई अन्य सज्जन या\* मान लीजिए एक वक्तव्य या लेख लिखें दोनों अखबारों को भेज दें और वे छाप दें। तो इसमें कोई किसी की आपत्ति नहीं हो सकती (व्यवधान)

श्री जे० के० जैन : मैं आपसे निवेदन करना चाहता हूँ। जितना सम्मान इस सदन के सदस्यों का है उतना ही सम्मान दूसरे सदन के सदस्यों का है। मेरा आपसे निवेदन है कि आप उस नाम को रिकार्ड में से निकाल दीजिए।

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): I agree. You should not take the names of the hon. Members of the other House.

SHRI PILOO MODY: He did not say that. It can be any Minister, any man,... (Interruptions)

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Order, please.

डा० भाई महावीर : मैं उधर के किसी संसद सदस्य का नाम नहीं लेता। यदि श्री जे० के० जैन एक लेख लिखें और ऐसे ही भेज दें तो किसी को... (व्यवधान)

श्री जे० के० जैन : उपसभाध्यक्ष महोदय, आप देखिए, यह बड़ी चतुराई के साथ बड़ी क्लेवरनेस के साथ इस तरह से नाम यह ले रहे हैं (व्यवधान)

श्री अब्दुल रहमान शेख (उत्तर प्रदेश) : यह तो इनका हक है। (व्यवधान)

श्री जे० के० जैन : मैं श्रीमन, इस पर आपकी रुचि चाहता हूँ। इस तरह से बड़ी चतुराई के साथ इन्होंने नाम

[श्री ख० के० जन]

मेंशन किया है। इस नाम को कार्यवाही से आप निकाल दें।

I seek your protection. He cannot mention names like this. Please remove them from the period.

SHRI PILOO MODY: Mr Jain should be expunged.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): If it is customary not to mention the names of hon. Members of the other House, and if any name has been mentioned, the same may be deleted.

SHRI PILOO MODY: What about Mr. Jain's name?

डा० भाई सहावीर : श्रीमन्, मैं कह रहा था महोदय कि इस सदन के सहयोगियों, सदस्यों का नाम बार बार लिया जा रहा है और लिया जा सकता है और यदि नाम न भी लिया जाये ए० बी० सी० सोत्र लीजिये, क ख ग मान लीजिये, कोई मंत्री, कोई नेता, कोई आथर, कोई लेखक यदि एक व्यक्तव्या लेख लिख कर दो या चार या 10 अखबारों को भेज दें और उस के नाम से वह छप जाये तो इसमें कोई आपत्ति नहीं है। लेकिन महोदय, यह वंसा लेख नहीं है। यह एक संवाददाता की रिपोर्ट है, यह स्पेशल कारेस्पोंडेंट फाइनैशियल एक्सप्रेस का है और हिन्दुस्तान टाइम्स में यह स्पेशल कारेस्पोंडेंट नहीं है, इसमें किसी का नाम भी नहीं है, कोई हवाला नहीं दिया गया। महोदय, आज प्रश्न उठता है कि क्या हमें इस तरह की जानकारी दी जा रही है कि यह जो छपे हैं यह अपने आप छपे हैं। तथा इसके पीछे कोई योजना है? यह योजना किसकी थी, क्या इन पत्रों के मालिकों की तरफ से छपने के लिए दबाव पड़ा था? और अगर

दबाव नहीं पड़ा तो क्या सम्पादकों ने अपनी इच्छा से छपाया सम्पादकों को किसी प्रकार मजबूर किया गया छापने के लिये? क्या इसके पीछे कोई योजना थी कि आने वाले समय में इस सौदे के बारे में जब कभी शंकाएँ उठेंगी, बहस होगी तो इसको बचाव के लिये इस्तेमाल किया जायेगा? अगर ऐसा कुछ था तो इसमें से एक तरह के गम्भीर पड़यत्न की वृत्ति आयेगी। मैं समझता हूँ कि ऐसी पद्धति को कोई भी माननीय सदस्य चाहे इधर बैठा हो या गधर पसन्द नहीं करेगा, इसको उचित नहीं ठहरायेगा।

श्री रामकृष्ण हेगड़े : आई० ओ० सी० को डराने का उद्देश्य था।

डा० भाई सहावीर : आई० ओ० सी० को डराने का उद्देश्य ही सवाता है, सम्भव है, मेरा आप से निवेदन है कि आज यह जो मामला हमारे सामने आया है यह मामला सीधा साधा तेल की खरीद का नहीं है। तेल की खरीद के अन्दर किस तरह से सरकारी अधिकार और पद का इस्तेमाल किया गया है यह है जो पद्धति परिष्पाटी चल रही है जिसमें इंडियन आयल कारपोरेशन की स्लीलता का सम्मान करते हुये उनको कुछ अधिकार दिये गये हैं उनका उल्लंघन करके, टेडर की पद्धति की सारी प्रमाणित मान्यताओं को पैरों के तले रौंद कर जो यह सौदा करवाया गया है और ऐसा सौदा जिसमें देश के गरीब करदाता का 12-13 करोड़ रूपया बरबाद किया गया है यह वह मामला है। प्रश्न यह है कि अगर इसके पीछे कोई भी व्यक्ति है अगर इसके पीछे किसी की साजिश है तो उसका पता देश को लगना चाहिये और देश के सामने उसको बे-नकाब करके खड़ा किया जाना चाहिये। मेरे मित्र श्री भंडारे

ने कहा कि चीन की तरफ से यहां लोग आकर देख गये हैं कि अपने तेल को हम कैसे कन्जर्व करते हैं, हो सकता है आये हों, मैं नहीं जानता। लेकिन चीन में हमने यह देखा कि उनके पास तेल अपना है और तेल को बचाने की उनकी पद्धति ऐसी है कि सारे देश में गिने चुने लोगों को छोड़कर मोटर नजर नहीं आती। वैसे चलती है या फिर साइकिलें चलती हैं। लेकिन अगर चीन के लोग यहां आकर देखना चाहें, समझना चाहें कि हम अपने तेल को कैसे बचाते हैं तो उचित और स्वाभाविक है परन्तु ऐसा दिन नहीं आना चाहिये कि चीन के लोगों को यहां आकर यह भी सीखने की जरूरत पड़े कि यहां पर तेल की आड़ में किस तरह के घोटाले किये जाते हैं और ... (व्यवधान) ...

श्री पीलू मोदी : तेल मालिश कैसे होती है।

डा० भाई महावीर : महोदय, अगर घोटाले होंगे तो न सिर्फ हमारे लिये बल्कि आने वाली पीढ़ियों के लिये भी यह एक लज्जा की बात होगी।

पिछले सत्र में महोदय, हमने भ्रष्टाचार के ऊपर काफी बड़ी चर्चा की थी और उस समय मुझे निवेदन करने का मौका मिला था, उस से शायद मेरे कई मित्र और श्री बुद्ध प्रिय मौर्य जी जो यहां बठे हुये हैं, नाराज हो गये थे। मैंने उस समय भी कहा था कि अच्छे बुरे लोग सब जगह हैं, यह मैंने कभी नहीं कहा कि सारे अच्छे लोग हम ही हैं और उधर कोई अच्छा है ही नहीं। परन्तु जिस परिपाटी को हमने चला रखा है उस को बिगाड़ने वाली कोई घटना अगर हो, अगर उसे कोई भी खराब करने वाला व्यक्ति हो तो उसकी रोकथाम

का प्रबन्ध हमारे पास होना चाहिए, नहीं तो आज जिस लोकतंत्र को बचाकर हम चला रहे हैं, आने वाले काल में उस लोकतंत्र का भविष्य सुरक्षित नहीं रहेगा।

श्री बुद्ध प्रिय मौर्य : माननीय उप-सभाध्यक्ष महोदय, विरोधी दल के नेताओं ने आज की बहस में एक बहुत ही गम्भीर और बहुत ही खतरनाक तरीके से समस्या खड़ी कर दी है कि संसदीय प्रणाली में मंत्री कितना अधिकार रखता है। संसदीय प्रणाली को जिसकी कि वे हमेशा दुहाई देते हैं, आज उन्होंने उसे बलाए ताक रखने की कोशिश की है। श्रीमन्, अक्सर विरोधी दल के नेताओं का इस सदन में, सदन के बाहर आरोप रहता है कि मंत्री फैसले नहीं लेते हैं, वे फैसले को टालते हैं। ये उनका आरोप हमेशा रहा है। लेकिन आज की बहस में देखा गया कि उनका यह आरोप था कि मंत्री ने इतनी जल्दी फैसला क्यों ले लिया, मैं इस पर बाद में आऊंगा। यहां पर मेरे मित्र श्री भंडारे जी ने जेनिंग को कोट भी किया था और डायसी भी इसी परम्परा को मानते हैं कि संसदीय प्रणाली में ब्यूरोक्रेसी का अधिकार, ब्यूरोक्रेसी का कर्त्तव्य है कि वह मंत्री को मश्विरा दे। लेकिन वह मश्विरा मंत्री माने या न माने यह मंत्री के ऊपर निर्भर करता है। क्योंकि हमारा संविधान बहुत साफ तरीके से अंग्रेजों की प्रणाली से और शागे बहकर लिखित रूप में कहता है कि :

The Council of Ministers shall be collectively responsible to the House of the People.

जब मंत्री कि जिम्मेदारी है और मंत्री फैसला लेता है कि निश्चयपूर्वक आखिरी फैसला क्या हो किस तरह का हो, यह मंत्री का होगा, ब्यूरोक्रेसी का नहीं होगा। लेकिन आज विरोधी दल के नेताओं ने



[श्री बुद्धप्रिय मौर्य]

परम्परा को भी सन्देह डालने की कोशिश की है मेरा दूसरा एक निवेदन है, श्रीमन्, यदि मंत्री के किसी फैसले से नुकसान हो गया तो मंत्री दोषी, यदि मंत्री के किसी फैसले से फायदा हुआ तो मंत्री का नामोनिशान नहीं, उसको हिस्सा भी नहीं देंगे क्या? यह इस तरह की आज बहस उठी है कि मेरी कम से कम एक बात समझ में नहीं आई। मैं चाहूंगा कि विरोधी दल के नेता इस पर आगे प्रकाश डालें। क्या वे चाहते हैं कि ब्यूरोक्रेसी जिनकी इस सदन के सामने जिम्मेदारी नहीं है उनकी बात को माना जाय, क्या वे चाहते हैं कि संसदीय प्रणाली समाप्त हो जाये स्वयं मंत्री रहा हूं। यह बात सही है कि हमारी ब्यूरोक्रेसी बहुत निपुण है, यह बात सही है कि वह अपने क्षेत्रों में निपुण होते हैं, यह बात सही है कि ज्यादातर उनके मशिवरे सही होते हैं, लेकिन हमेशा उनके मशिवरे सही होते हैं, ऐसा करके मैं नहीं मानता हूं। इस बात को यदि विरोधी दल के नेता मानते हैं, तो वह अपने तक ही सीमित रहें।

दूसरे मैं निवेदन करना चाहूंगा आर यहां पर विषय उठा है फैसले के बारे में—उस पर मैं बाद में आऊंगा। विरोधी दल के माननीय सदस्यों ने अब तक जो चर्चा की उनके मन में सन्देह इस वजह से है कि फाईल कुछ समय तक नहीं मिली, इसलिए कि इस सौदे में कुछ गड़बड़ है या उनके मन में सन्देह इस वजह से पैदा होता है कि इस सौदे में फिक्सड रेट क्यों किया गया, उनके मन में सन्देह कहां से है, इन सब को मिला कर के मेरा ऐसा विचार है कि वे यदि किसी एक नुक्ते को उठा कर के देखें, तो एक नुक्ता जैसे फाईल के मिसिंग को ही देखें, तो उसको ले कर वह अपने केस को पूरा नहीं बता पाये हैं।

यदि दाम को ही लेकर देखा जाये जिनको मैं यहां पर कोट करके बताऊंगा एक ही दिन में जनता सरकार के समय फैसले लिये एक ही दिन में जमीन आसमान का अन्तर है। माननीय मंत्री जी ने जो वक्तव्य दिया है, उसमें एक इशारा उन्होंने दिया है, मैं उनसे मदद भी चाहूंगा कि आज वह मदद करें। यहां पर निगम साहब कह गये—उन्होंने चुनौती भी दी, उन्होंने कहा कि कभी भी फिक्सड रेट से इस तरह से सौदे नहीं हुए हैं। मैं चाहूंगा कि श्रीमन्, आप स्वीकार करें, इस चुनौती का उत्तर दें। आप इस परम्परा को तोड़ें, आगे निकल करके आये क्योंकि उन्होंने आपको चुनौती दी। आपने जो इशारा अपने वक्तव्य में दिया है पेज 4 पर है कि—

Needless to say that in retrospect errors of judgement of this nature could not be ruled out even during the regime between 1977 and 1979.

तो मैं चाहूंगा कि आप विस्तार में यह तीन लाइनें जो आपने दी है, जो मेरे मन में शंका पैदा करती है, लाइली जी के मन में भी शंका पैदा करती है और अन्य माननीय सदस्यों के मन में भी शंका पैदा करती है, माननीय सदस्यों ने इस बारे में कहा है कि आप यह सदन में बताये कि कौन कौन से सौदे हैं जिनमें परम्परा से हट करके सौदे हुए हैं, कौन कौन से सौदे हुए हैं जिनमें कि नुकसान हुआ है, कौन कौन से सौदे हुए हैं जिनमें कि एक ही वक्त में भाव में फर्क है, लेकिन दोनों पार्टियों से लिये गये। इन तमाम चीजों पर यहां पर आगे बढ करके बतायेंगे।

पीलू मोदी जी आप टेंडर की बात कर रहे थे ना। मैं अभी टेंडर पर आने वाला हूं।

You are very touchy about the sanctity of the tender. I am coming to tender shortly.



में निवेदन करना चाहूंगा—पहले तो एक वयान यहां पर आया था जिसमें कहा गया कि पहले पन्ने पर ऐसा दिखाया गया है कि पूरी दुनिया संकट में पड़ जाती अगर डीज़ल नहीं लाया जाता। क्या परिस्थितियां थी? अरब वर्ल्ड ने फैसला कर लिया था कि वह अपना प्रोडक्शन आधा कर लेंगे, यह वयान में है।

ईरान में क्राइसेस पैदा हो गया था। उसके अलावा असम में क्राइसेस था। उसके अलावा दामों में काफी शंका थी चारों तरफ से? कामनवेल्थ मंत्री भी रखता है कि दाम बढ़ेंगे और बढ़ते चले जाएंगे। इन तमाम परिस्थितियों के अलावा यहां पर संकट था। यहां पर डीज़ल नहीं मिल रहा था। हर पेट्रोल पम्प पर बुरी तरह से लम्बी-लम्बी लाइनें लगी थीं। ऐसी परिस्थितियों में कोई भी मंत्री—यदि उस जगह पर मैं भी होता, तो उन परिस्थितियों में यही फैसला लेता। उन परिस्थितियों को सामने रख कर बात सोचिये कि कौनसी परिस्थितियों में सेटीजी ने फैसला लिया।

यहां पर निगमजी ने कहा था कि दामों में तीन डालर की कमी... (व्यवधान)

श्री लाडलो मोहन निगम: मेरा कहने का मतलब यह था कि जिस रोज स्थिर भाव पर सौदा किया—तो उस रोज डालर 350 का था दोनों में तीन डालर का फर्क था।

श्री बुद्ध प्रिय शौर्य: मैं वही कह रहा हूं, 17-12-1979 किरोसीन का सौदा हुआ 27,210 टन का—दाम दिया गया एक पार्टी को 447.21 डालर और दूसरी पार्टी को उसी दिन सौदा हुआ, दाम दिया गया 447 डालर से हट कर 429.42, करीब-करीब 18 डालर का फर्क है

करीब-करीब 18 डालर का फर्क है। यह सौदा 17-12-79 को हुआ। इसी तरह के और भी सौदे हुए हैं। श्रीमन्, एक ही महीने में नवम्बर, 78 में सौदे हुये, मिट्टी के तेल के। एक 150 के हिसाब से होता है, दूसरा 183 के हिसाब से होता है, तीसरा 163 के हिसाब से होता है और चौथा 177 के हिसाब से होता है। एक ही महीने में दामों में कितना फर्क है। जहां तक दामों के बारे में चर्चा हुई मैं यह निवेदन करना चाहूंगा कि किस पार्टी से कहां पर सौदा हो रहा है—आप में से बहुत से विशेषज्ञ हैं, मैं तो विशेषज्ञ भी नहीं हूँ—इस पर बहुत निर्भर करता है। केवल आप इस को लेकर निन्दा करने का प्रश्न बना लेंगे तो मैं समझता हूँ कि आप उचित निर्णय नहीं ले पायेंगे।

माननीय राममूर्ति जी ने कहा था कि मंत्री ने पोलिसी चेंज कर दी, प्रधान मंत्री तक से नहीं पूछा, कौंसिल आफ मिनिस्टर्स से नहीं पूछा, और मंत्री साधियों से नहीं पूछा। मैं समझता हूँ कि उन्होंने कोई पोलिसी चेंज नहीं की। उन्होंने यह फैसला लिया कि आज की परिस्थिति में, इस वक्त फिक्स्ड प्राइस का डील ज्यादा ठीक रहेगा। उन्होंने हमेशा के लिये कोई फैसला नहीं किया। ऐसे पहले भी फैसले हो चुके हैं। इसी रिपोर्ट में ऐसे फैसले दिये गये हैं, 1977 में हुये, 1978 में हुये, 1979 में हुये—फिक्स्ड रेट पर हुए। कोई पोलिसी में तबदीली नहीं हुई। यह कहना राममूर्तिजी का निराधार है कि मंत्री जी ने पोलिसी को बदल दिया।

उन्होंने और दूसरे माननीय सदस्यों ने चर्चा की थी कि एक कमीशन आफ इन-क्वायरी बिठा दिया जाय। यह पब्लिक अन्डरटेकिंग की कमेटी है, इसमें दोनों

[श्री बुद्धप्रिय मौर्य]

सदनो के सदस्य हैं और सभी पार्टियों के सदस्य हैं। इसके होते हुये मैं नहीं सोच सकता कि किसी भी इनक्वायरी कमीशन की जरूरत है।

एक टेंडर का विषय उठाया गया था एस्केलेशन और डिस्केलेशन के बारे में और फिक्स्ड प्राइस के बारे में यह साफ नहीं किया गया था कि टेंडर आये। 14 पार्टियों ने टेंडर दिये, 4 को लिया गया, उनमें से 1 को नहीं, 2 को दिया गया। जनता पार्टी का राज था जब मैंने यह सवाल उठाया, मैंने कहा कि आपने टेंडर नहीं मांगे। मार्च, 77 तक हम सीमेंट एक्सपोर्ट करते थे, लेकिन जब यह सत्ता में आये थे तो उन्होंने सीमेंट का इम्पोर्ट करना शुरू कर दिया। मैंने प्रश्न उठाया कि आपने सीमेंट इम्पोर्ट करने से पहले टेंडर नहीं मांगे तो इन के मंत्री ने कहा कि बड़ी क्राइसिस थी, बड़ा क्रिटिकल पीरियड था, अगर हम टेंडर मांगते तो सीमेंट प्रोडक्शन करने वाले मुल्कों को पता लग जाता और वह दाम बढ़ा देते। आपने टेंडर मांगने तक की तकलीफ गवारा नहीं की और सीमेंट इम्पोर्ट किया, बगैर टेंडर के स्टील भी इम्पोर्ट किया और सिर्फ डेविएट करके ही नहीं, पुरानी परम्पराओं को बालाए ताक रख कर इम्पोर्ट किया।

आप एजेंट की बात करते हैं, व्यक्ति विशेष को लाते हैं। आपके जमाने के मंत्रियों के—मैं उस नीचाई पर जाना नहीं चाहता—लेकिन उस वक्त के मंत्रियों के रिश्तेदारों ने 24 घंटे के अन्दर कम्पनियां बनायीं, वह कमीशन एजेंट बने और उनकी ओर से सप्लाय हुई।

माननीय मंत्री जी ने तीन लाइनें कही हैं। मुझे भी ये सन्देह में डालती

हैं। हम चाहेंगे कि इस सदन के सामने चर्चा आयी है तो साफ बात हो। मैं जानता हूँ व्यूरोक्रेसी में ऐसी परेशानियां होती हैं। हम इस सरकार की बात करेंगे तो पुरानी सरकार की बात भी आयेंगी। डेमोक्रेसी में सरकारें बदलती रहती हैं, सत्ता बदलती रहती है, यह परम्परा ठीक नहीं रहेगी, यह उनकी परेशानी होगी। मंत्री जी नहीं चाहते। जहां वह आज की सरकार को प्रोटेक्ट करेंगे, वहां उन्हें कल की सरकार को भी प्रोटेक्ट करना पड़ेगा। यह परम्परा संसदीय प्रणाली में है। लेकिन आज यह तुड़वाना चाहते हैं संसदीय प्रणाली को तो तोड़ दीजिये, बताइये किस तरह ऐसे डील हुये जिसमें कमीशन व्यक्ति विशेषों ने लिया, कितने ऐसे डील हुई जिनमें डेविएट किया गया और फिक्स्ड प्राइस पर लिया गया, कितने ऐसे डील हुये जिन में टेंडर नहीं मांगे गये। जनता पार्टी के राज में जो कुछ हुआ उसका लेखा-जोखा यहां पर रखा जाय ताकि उसके पर बहस हो। हमने यह चर्चा इसलिये छेड़ी है।

भाई महावीर बहुत दूर चले गये। भाई महावीर, एक ही स्कूल में पढ़ने वाला एक जेलखाने में जाता है, दूसरा पागलखाने में जाता है, तीसरा बड़ा नौकरशाह बनता है, चौथा मंत्री बनता है। एक ही स्कूल में पढ़ने वालों की चार दिशाये हो सकती हैं। आपने एक स्कूल से पास किया...

डा० भाई महावीर : मैं ने यह निवेदन किया था कि वहां पर एक मित्रता की गांठ बनी तो उस गांठ का उपयोग करके इस सौदे में धुसने का रास्ता निकाला गया।

श्री पीलू मोदी : वहां नहीं बननी तो कहीं और बननी।

SHRI RAMAKRISHNA HEGDE: Maurya was not so close in those days to that group.

श्री बुद्ध प्रिय मौर्य : यह आपके मन की परेशानी है और इसमें कोई और बात नहीं है ।

SHRI PILOO MODY: You are making a very good contribution. You are not like J. K. Jain.

श्री जगदीश प्रसाद माथुर : अगली बार वतेंगे आप । चिन्ता मत लीजिये ।

(Interruptions)

THE VICE-CHAIRMAN (SHRI R. MORARKA): Order, order.

श्री बुद्ध प्रिय मौर्य : मैं यह निवेदन कर रहा था कि यहां जितनी भी बहस हुई है उसका एक ही मुद्दा है कि उन्होंने ज्यादा दाम पर ले लिया । अगर यह मुद्दा है तो इस बयान से जाहिर हो जाता है कि कंपिटिटिव रेट्स दिखाये गये हैं, टेंडर लिये गये हैं और जो मार्केट रेट प्रिविलेज था उस पर यह लिखा गया है । मंत्री जी के मन में शंका थी कि दाम बहुत नीचे गिर गये हैं इस लिये उन्होंने फिक्स्ड रेट पर ले लिया । तो कमिशन एजेंट के बारे में शंका है या फाइल मिस हो जाने के बारे में शंका है ? आप को एक बात ध्यान में रखना चाहिये कि एक ही सरकार के दो मंत्री हैं । दूसरे मंत्री आते हैं । पाटिल जी यहां तशरीफ रखते हैं । यदि इसमें कोई कॉम्पेरेन्सी होती, यदि इसमें कहीं कोई गड़बड़ होती, यदि इसमें कहीं कोई काला हाथ होता तो निश्चित रूप से ही सरकार के मंत्री मिल कर इसको इस ढंग से कर सकते थे । यही सत्य, यही वास्तविकता कि एक मंत्री ने आते ही जो व्यवस्था देखी दो महीने के बाद कि दाम बढ़ रहे हैं और एक मंत्री ने देखा कि व्योरोक्सेसी का ऐसा मणविरा है कि इस तरह की

डील और न हों तो उसने अपना रिमार्क इस पर दिया और वे एक ही सरकार के मंत्री थे । और आप तो जानते हैं कि कांग्रेस आई की बहुत बड़ी और भारी डिसिप्लिन है ।

श्री लाडली मोहन निगम : उनका एक ही मंत्री है ।

श्री बुद्ध प्रिय मौर्य : कांग्रेस आई की डिसिप्लिन आपके मुताबिक में हजार गुना ज्यादा बेहतर है । मैं आइडियल तो नहीं कह सकता लेकिन डिसिप्लिन को बात कह सकता हूँ कि कांग्रेस आई में डिसिप्लिन है और जनता पार्टी की सरकार से ज्यादा है । तब फिर उपमें कोई कॉम्पेरेन्सी हो तो, उसमें सरकार के मन में कोई गंदा विचार होता, अगर पहले के मंत्री ने कोई खामी या कोई सजिष की होती जैसी कि बात तरह-तरह से अखबारों में गंदी करके संठा जा पर लगाई गयी है, अगर ऐसी कोई बात होती तो निश्चित रूप से सेठीजी उस समय भी और आज भी इतने शक्तिशाली थे और है कि वे परसुयंड कर सकते थे कि उस पर कोई नोट ही न लिखा जाय । यही एक बात आप के खिलाफ चली जाती है । एक ही सरकार के दो मंत्री हैं । एक मंत्री महसूस करता है कि फिक्स्ड प्राइस पर ले लो इसलिये कि देश के किसान को देश के ट्रैक्टर को डीजल की जरूरत है, देश की जरूरत है इस लिये ले लो और वहीं फैसला करता है और उनके सरकार का दूसरा मंत्री दो महीने के बाद यह महसूस करता है कि इस फैसले में कहीं खामि रह गयी है, इसमें कोई नुकसान होने का संदेह है और इसलिये वह मंत्री उस पर अपने विचार देता है । तो इसमें कोई गंदी बात नहीं है । असली बात क्या है । (व्यवधान) मैं जो बात कह रहा हूँ आपको आप समझते की

[श्री बुद्ध प्रिय मौर्य]  
कोशिश करें। यह जनता पार्टी की गवर्नमेंट नहीं है कि जिसमें कि चार मंत्रियों के चार रंग हैं। यह कांग्रेस आई को गवर्नमेंट है जिसको डिमिप्पिन को आप अच्छी तरह से जानते हैं। आप समझवृद्ध कर इस बात को झुठलाने की कोशिश कर रहे हैं। तो मैं कहना चाहता हूँ कि जिस तरह माननीय सदस्यों ने यहां पर कटाक्ष किए और एक मंत्री को बिल्कुल नीचे गिरा कर दूसरे की तारीफ की ऐसी बात नहीं है। उस समय निश्चित रूप से ऐसी परिस्थितियां थीं जिसमें ऐसा फैसला हो सकता था। एक सवाल और उठाया गया है। आपने एक शब्द इस्तेमाल किया कि 'हार्ड ड्रामा' पहले पेज के बारे में...

श्री पीलू मोर्वा : बिल्कुल किया था।  
(व्यवधान)

श्री बुद्ध प्रिय मौर्य : फिर मुझे इस बारे में कुछ नहीं कहना है। (व्यवधान) भाई महावीर जी ने एक संदेह प्रकट किया है जिसमें उन्होंने कहा कि अलग फाइल क्यों बनी। भाई महावीर अभी मंत्री जी नहीं बने हैं। मैं बताना चाहता हूँ कि भारत सरकार ने अंग्रेजों से ऐसी परम्परा उधार ली है—मैं चाहता हूँ जितनी जल्दी वह चली जाये अच्छा है, जहां अगर आप पिन भी सेक्रेटरिएट को देते हैं तो उसकी फाइल बन जाती है। इतना बड़ा डोल होना हो तो क्यों नहीं फाइल बनेगी। इनका संदेह सिर्फ यह है कि अलग से फाइल क्यों बनी। पूरे देश ने अंग्रेजों से सीखा है कि कोई बात होती है तो उसके होते ही फाइल बन जाती है।

डा० भाई महावीर : जो दिप्पणी है वह यह है कि मिनिस्ट्री में यह फाइल नहीं बनती (व्यवधान)

श्री राम कृष्ण हेगड़े अंग्रेजी सिस्टम में फाइल गुम नहीं होती।

श्री बुद्ध प्रिय मौर्य : आप कहते हैं अंग्रेजी सिस्टम में फाइल गुम नहीं होती,

थी आप शायद आजादी की लड़ाई को भूल रहे हैं। आप यहां की बात करते हैं इंग्लैंड तक में फाइल गुम हो जाती है। (व्यवधान) अंत में सिर्फ मैं एक ही बात कहूंगा सदन का ज्यादा वक्त नहीं लूंगा। आप देखेंगे कि कहीं भी विरोधी दल के नेता किसी भी नुकते पर इसमाया नहीं हुए। फ्रिक्स्ट प्राइस पर क्यों किया गया इसका जवाब माननीय साहू साहव ने श्री ओरों ने उदाहरण से दिया और इस कमेटी की रिपोर्ट में भी है। फ्रिक्स्ट प्राइस पर पहले भी डील हुए है। वहां आपका संदेह निराधार है। आपने भी किया, हमने भी किया। कांग्रेस पार्टी की सरकार ने भी किया, कांग्रेस (आई) पार्टी की सरकार ने भी किया। कांग्रेस पार्टी जिसमें आप में से भी कुछ शामिल थे, उसने किया, जनता पार्टी की सरकार ने किया दूसरा आपको एतराज है कि व्यूरोक्रेसी को रूल आउट क्यों किया गया। आप मिनिस्टर को जिम्मेदार करार देते हैं। जब मिनिस्टर जिम्मेदार है, मिनिस्टर रिस्पॉंसिबल है दोनों हाउसों के सामने तब मिनिस्टर को यह अधिकार रहना चाहिये कि आखिरी फैसला उसका हो। मिनिस्टर ने क्लस आउट किया और मिनिस्टर ने एडवाइस को नहीं माना और उन्होंने ईमानदारी के साथ यह महसूस किया। इसको कोई भी यह साबित नहीं कर पाया कि यहां पर यह गड़बड़ी है। (व्यवधान) आप सिर्फ प्रेज्यूम कर रहे हैं क्योंकि मंत्री जो ने फैसला लिया। यह संसदीय प्रणाली की परम्परा है। उसमें फैसले लिये जाते हैं। दूसरे फाइल ने जो आपके दिमाग को पोल्सूट किया है, आपके मन में जो शंकाएं पैदा हुई हैं, आपके मन को जो परेशानी है वह कुछ दिनों के लिये कुछ महीनों के लिये जो फाइल नहीं मिली उसके कारण से है। अगर फाइल नहीं मिली, फाइल जो बदली है जैसा आप

कहते हैं तो मैं कहना चाहता हूँ और आप जानते हैं कि फाइल बदली नहीं जा सकती अगर फाइल की बकिंग को आप जानते हैं उस फाइल पर उन व्यूरोक्रेट्स का रिकार्ड है जो गवर्नमेंट के मशविरे से इस्तेफाक नहीं करते। (व्यवधान) उस पर व्यूरोक्रेट्स के, उनकी मीटिंग के, डिस्कशन के मिनट्स होते हैं। अगर वह फाइल गुम हुई तो कैसे गुम हुई और किस लिये गुम हुई। यह फाइल आज भी मौजूद है। यह कहाँ गुम हुई है? फाइल गुम नहीं हुई है। फाइल का काम तो चलता रहता है। वह फाइल आज भी कमेटी देख सकता है। वह तो आपके सामने है।

SHRI RAMKRISHAN HEDGE: Produce it,

श्री बुद्ध प्रिय मौर्य : आप ऐसा मत कहिये। आज नहीं तो कल; कल नहीं तो परसों, आपके बेटे सत्ता में आ सकते हैं। 10 वर्ष, 20 वर्ष, 25 वर्ष, में आप भी सत्ता में आ सकते हैं। इसलिए कोई खतरनाक परम्परा मत डालिये। इस प्रकार से तो कोई भी सरकार जिम्मेदारी के साथ काम नहीं कर सकती है। इस प्रकार से कोई भी सरकार देश की सुरक्षा नहीं कर सकती है। फाइलें जब सदन में पेश की जायेंगी तो देश की सुरक्षा खतरे में पड़ जाएगी। जिम्मेदार आदमी होकर आप लोग इस तरह की बात करते हैं। मैं आपका अधिक समय नहीं लेना चाहता हूँ, लेकिन सिर्फ यह कहना चाहता हूँ कि आप इतनी आसानी से कोई बात मत कहिये। सरकार की बकिंग में कहीं कहीं पर ऐसी नाजुक घड़ियाँ भी आती हैं जब एक हाथ को दूसरे हाथ का पता नहीं होता है। ऐसी स्थितियों में एक हाथ को दूसरे हाथ का पता नहीं होना चाहिए वरना देश संकट में पड़ जाएगा। इसलिए ऐसी परम्परा डालने की कोशिश मत कीजिए। हम भी मिनिस्टर रहे हैं। पी० एस० सी० के सामने 5 अप्रैल को फाइल गई है और उनको कहा गया कि आप

इसको देख लो। लेकिन अगर हमारे देश में अखबारनवीसों के जरिए से संसदीय प्रणाली चलेगी और देश की संसदीय प्रणाली को अखबारों की एडीटोरियल के आधार पर चलाना जाएगा तो इस देश में संसदीय प्रणाली खतरे में पड़ जाएगी। इसलिए मैं यह कहना चाहता हूँ कि एक मंत्री को बहुत ही ईमानदारी के साथ, बहुत ही समझबारी के साथ, बहुत ही जिम्मेदारी के साथ और दूरदर्शी के साथ फ़ैसले करने होते हैं। अगर व्यूरोक्रेसी के ऊपर फ़ैसले छोड़ दिए जाएंगे तो फिर इस देश में संसदीय प्रणाली खतरे में पड़ जाएगी। आपको याद होगा, आपके जमाने में एक बड़े नेता के मरने की खबर दे दी गई। ऐसी स्थिति में आप क्या करेंगे? आपके जमाने में क्या-क्या हुआ उसमें, मैं जाना नहीं चाहता हूँ। अगर व्यूरोक्रेसी पर ही सारी जिम्मेदारी डालो जाएगी और उनको ही सरकार चलाने दिया जाएगा तो फिर सब के लिए परेशानियाँ पैदा होंगी। व्यूरोक्रेसी आम लोगों की दिक्कतों को नहीं जानती है। जनता के प्रतिनिधि ही जनता को परेशानियाँ को जानते हैं। इसलिए आप अपने मन से बेकार की बातों को निकाल दीजिये। जिस प्रकार से बच्चे के मन में भूत का भय रहता है, वास्तव में भूत होता नहीं है, उसी प्रकार से आप भी इस शंका के भूत को अपने मन से निकाल दीजिये। इस तरह को बातों में कुछ नहीं रखा है। इस देश में हमारी जो संसदीय प्रणाली है उसका हम और आप सब आशीर्वाद दें और उनकी उन्नति के लिए काम करें।

धन्यवाद।

SHRI ARVIND GANESH KUL-KARNI: Sir, at the outset. I would like to mention that in this present debate there are many efforts of many friends with whose help it has been possible to have a debate on this matter in this House. Particularly I am grateful to

[Shri Arvind Ganesh Kulkarni]

the Speaker of the Lok Sabha who has restored to us the credibility in the people's minds. (Interruptions). Sir, please ask Mr. Piloo Mody not to interrupt me. Along with the Speaker, I have also to thank my young friend, Mr. Pranab Mukherjee. Sir, if he would not have entered into conflict on rulings and if he would not have made efforts, a satisfactory solution would not have been found. Along with him, my friend, Mr. Bhishma Narain Singh was also there. Sir, this I mention because this was uppermost in my mind and there was no occasion to mention it earlier (Interruptions)

Now, about the speech of my predecessor, Sir. Mr. Maurya is my great friend. I was very happy to see with what conviction he speaks. I have heard him. Sir, from here when he was in the Congress (I), attacking the Janata Party. I have seen when he was in Lok Dal with renewed conviction attacking the Cong. (I) party. So, I was all along with him. not in the Lok Dal only but, Sir, I am now really convinced of his shifting conviction. He might be having honest views. I do not want to go much into the details, because much water has flown over it and it is no use making the same points again and again and waste the time of the House. What we are doing and what my friends here said, whether it is a ghost — what Hindi they speak. I cannot understand fluently

श्री बुद्ध प्रिय सौर्य : आपके मन में  
संदेह का भूत सवार है ।

पर्यटन तथा नागर विमानन मंत्री  
(श्री अनन्त प्रसाद शर्मा) : आपके सिर  
पर भूत सवार है ।

SHRI ARVIND GANESH KULKARNI:  
Sir, the Minister also is interrupting me.

SHRI A. P. SHARMA: You wanted to  
know the meaning of ghost.

SHRI ARVIND GANESH KULKARNI:  
What I want to say about

the ghost since, I do not want to repeat that when we discussed the Kanti affair, it was the news in Blitz and that was also ghost only; it was the news in Blitz which my friend Mr. Salve raised as news reported and I can quite from what he said on that day. Then in case of Antulay, what I read here was a statement issued in a Bombay paper and further reinforced by *Indian Express*. So to say that on newspaper reports or any published material we should not premise the views or objections or support it, will not be correct. I do not blame anybody. I think my friends in the Congress Party will take it in the light that we are very much concerned in the opposition about corruption perpetuated. We may say, whatever it is, for argument sake; my friend will score one point and another friend will score another point. I know Mr. Shiv Shankar is a great intellectual lawyer and he will try to floor us in his legal squibbling. but as we have seen during the last 4-5 days, legality does not bring anything; it is the political interpretation by people which is more important. People know what is happening actually. So I am not going into the "Ghost" theory.

I will raise only 2-3 basic points, whether there was a necessity of importing oil on which my friend Mr. Shiv Shankar has spent the whole page; but I am not going into that. There might be a necessity; I do not say that there was no necessity. That is not my case at all. Then the other point that I would touch upon is decision to adopt about the fixed price policy and to discard the variable price. My next point will be as to why the contract was awarded to Hong Kong firm, how it was awarded — whether tenders or no tenders. I know in the industry also. We have to take spot decisions. It is not that for everytime we invite tenders. That is not my case at all. It is only the decision which is more important and whether it can be deduced, or an inference can be drawn from the

existing material that there must be some hanky-panky or hush-up business which has been used to earn some ill-gotten money somewhere. Then another point which I want to deal with is, how this Hindustan Monark came in and what is the role of the officers, because particularly my friend referred here and it is for us to protect the officers; because otherwise it will not be conducive to the working of Committee. And the last point is whether it was a commercial decision, whether it was hindsight; these are all a case of defending legally. Whether hind-sight or forward-sight, it is a commercial transaction to pocket large commission. That is all.

So, first, I shall say about the price, spot price or variable price. Tenders were called. That everybody has said and 14 tenders came and offers seemed to be, as my friend has rightly put it in good English. I cannot use that vocabulary.

SHRI PILOO MODY: That is because, I was born in a village.

SHRI ARVIND GANESH KUL-KARNI: But you are educated to Oxford. I am not. (*Interruptions*) Doon School. That is alright.

Sir, people who live in the villages know what is done when a tiger is to be killed. This is what is usually done. Some people are hired. They arrange some people to shout in the forest to frighten the animal.

SHRI N. K. P. SALVE: Beat.

SHRI ARVIND GANESH KUL-KARNI: My friend, Mr. Salve, has used the right word. The hunter is very much protected and when the tiger or the animal comes into his firing range, he fires. I say, in my commonsense. Mr. Sethi has done a clean job, very nicely. He wanted to give this contract to a person who will help his party financially. Mr. Sethi is a honest man and he does not take a penny. Anyway, the money he collected has been delivered to the proper quarters. That is why, the entire game was arranged. This

tender business and so on; I am not at all interested. I am not interested, whether you call tenders or you make spot purchases, whatever you like. Here, I would like to quote from this book itself. A question was asked about variable prices and spot prices. THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Which book you are quoting from?

SHRI ARVIND GANESH KUL-KARNI: I am quoting from the report of the Public Undertakings Committee which has been placed on the Table of the House. I am not giving any private information. The Committee wanted to know that when the suppliers increased the prices of crude whenever there was upward swing in the international market whether any of the suppliers reduced the prices consequent on glut in the international market. The point is being made by Mr. Salve and other friends who know the system of commercial transaction as to why this variable system has been introduced. Sir, you are also connected with the industry. We are also connected with the industry. Let the hon. Minister say now, you are purchasing steel plant and you are purchasing equipment for the fertiliser projects at Thal-Vaishet or at Hazira. You take any case. The fixed prices are fixed for quotation and evaluation purposes. But there will always be a condition that the ultimate price will be the price which is ruling at the time of delivery based on indexes of raw material wages. I am a small person. But I am concerned with the large and big sugar factories and co-operative spinning mills purchasing material worth crores of rupees. This is a basic condition of the contract. We purchase textile machinery. For example, we purchased at Rs. 450 per spindle. But ultimately, we have to fork out Rs. 650 per spindle at the time of delivery after two years. I have quoted what the Committee wanted to know. What has the officer said? In a note furnished after evidence the Department of Petroleum

[Shri Arvind Ganesh Kulkarni]

intimated that downward revision of prices of crude oil had been made during the period, 1st January, to 22nd February—this is the relevant period — by suppliers in Iran, Saudi Arabia, Iraq, Abu Dhabi, Nigeria and Venezuela where contracts were in variable price. My friend, Mr. Jain, has mentioned Venezuela. The poor chap does not know. This country, at present is purchasing oil from Venezuela, and it was not only in Janata regime. He does not know that. But anyway, what I wanted to say is that the Committee has explained about advantages and disadvantages of fixed price and variable price. Sir, the point was mentioned as to how many quotations had been received and so on. I would like you to go through this. Perhaps Sir, you know, you have everything on your lips as a member. But the point is, when the quotations had been invited, fourteen offers had come in, and it has been amply proved here by many speakers from that side, from my side. Out of fourteen, four remained. And here quotations were called for on the basis of escalation and de-escalation, etc. and it was to the credit of Mr. B. B. Vohra who was the then Secretary and now Shri Lavraj Kumar who recommended variable price. You also know Sir, what efforts Mr. Kumar has made to get the file back. He has deposed before you many a time. He could not do anything. There is no file available at all. So, what is the use of talking that the file was available and now also it is available? Everything fixed to help the party and to say that they have now brought the file is just a cock-and-bull story. I want to say that Mr. Sethi decided about this fixed price in one whim. Although he was calling the offers many times, he was showing them as if he is not interested in single person but the officer, knew his designs and where he was going to. He was acting just like an actor. The fun of

it is, if you go through all the correspondence you will come to know that the officers definitely knew where Mr. Minister wanted to go and to whom he wanted to oblige. Here is the record. I do not want to quote from anywhere else, it is on the record in the Rajya Sabha parliament • ary debate dated 9th July, 1982. It is said that I quote Mr. Bhatt was thinking about idealism, etc. and Mr. Kamal Nath has been connected here. This is on record of 9th July, 1982 where Mr. Sethi Mr. Kamalnath, your Personal Assistant in the Prime Minister's Secretariat, all have been as a party involved in deal. So, what I want to say is that this type of manoeuvring was going on to fool officers.

SHRI N. K. P. SALVE: On a point of order. In view of your ruling that no name? will be mentioned.....

THE VICE-CHAIRMAN (SHRI R-R. MORARKA): No, Mr. Salve, you are quoting me wrongly. My ruling was that if it is not customary to mention the names in this House or the hon. Members of the other House, the names would be deleted and that ruling stands.

SHRI N. K. P. SALVE: I stand corrected. You said that if it is not customary to mention the names of the hon. Members of the other House, the names would be deleted. But Sir, what cannot be done directly, can also not be sought to be done indirectly. Otherwise, the ruling will have no meaning. There are hundred and one ways by which I can circumvent that ruling and mention something. What is the spirit behind this ruling? That is, that let us not drag into this House the names of Members who are Members of the other House. Unnecessarily that creates some sort of unwarranted conflict. Unwarranted atmosphere which we do not want. If this is the spirit of your ruling, indirectly « it for the point he is making another aspect of the matter necessary for Appa Saheb to refer to this sort of a thing? What is the context?



THE VICE-CHAIRMAN (SHRI R. R. MORARKA): If I understood correctly, Mr. Kulkarni was quoting from the debate in this House and if on the 9th of July the name was permitted to be mentioned here, how can I today delete that name?

SHRI N. K. P. SALVE: I am not submitting that, I am not seeking that deletion of the 9th July. I am seeking deletion of the name in this debate which you certainly are entitled to, if my submission falls with in the postulates. I am on a very simple issue. The sum and substance of your ruling is, because it is customary and because it is not desirable \_\_\_\_

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): No, no, if it is not customary to use the names of the hon. Members of the other House here, then those names will be deleted.

Now, he is quoting from the 9th July debate. At that time no objection was taken and the name was allowed to be mentioned. So, in the light of that my ruling still stands.

SHRI N. K. P. SALVE: My submission is I beg of you to consider not giving your ruling straightaway. Consider it whether the name should be allowed or not even under the circumstances.

SHRI FILOO MODY: You think about it and tell him day after tomorrow.

SHRI N. K. P. SALVE: Probably Shri Piloo Mody does not know the implication of this. If this is kept pending, nothing will go on record till then.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): As I told you, Mr. Salve, we have to follow certain conventions here. If it was the intention of this House to allow. On the 9th that name has been mentioned. In that case I today cannot change the convention so much to my self. Therefore .....

SHRI N. K. P. SALVE: Perhaps I have not made myself clear. Supposing in some other context, validly the name is referred to, will he just read out the name here out of context and say this is the name I am reading out?

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): If he quotes from the previous debate, I cannot stop him.

SHRI RAMAKRISHNA HEGDE: May I ask Mr. Salve one question? Mr. Jain took the name of Mrs. Indira Gandhi about a dozen times. Why did you not say this then? Is she not a Member of the other House? He took her name a dozen times.

SHRI PILOO MODY: Mr. Salve himself, in the course of his speech mentioned Mr. Bahuguna, mentioned Mr. Biju Patnaik, mentioned so many people who are not present in this House- Why is it that Mr. Salve thinks that he can.....

SHRI N. K. P. SALVE: You may overrule, me. Sir...

SHRI J. K. JAIN: He was the Minister of Petroleum.

SHRI PILOO MODY: He is a Member of the other House.

SHRI J. K. JAIN: It was in that context that I mentioned the name of Mr. Bahuguna.

SHRI SYED SIBTEY RAZI: Mr. Sethi is also a Member of the other House.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): You will have your turn.

SHRI SYED SIBTEY RAZI: I am only replying to Mr. Hegde.

SHRI N. K. P. SALVE: Sir, let us not take your ruling to the point of absolute ridicule. In the context it is absolutely imperative to make a mention of the officials, the Ministers who have been responsible. I referred to Mr. Bahuguna, I referred to

LShri N. K. P. Salve] Mr. Patnaik as the respective Ministers of the Ministries, incharge of which they were at that particular time. But the only question, I put it to you once again. is if your ruling is that if it is customary not to mention names, then those would be deleted, it means that there has to be some respect shown to the ruling you have given. If in some other context, not related to this issue, the name has been mentioned, not related to the point which he is making, would it be fair for him to refer to that name and to let it remain on record? Will that not amount to circumventing the ruling?

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): No. my ruling still stands. To the extent it is possible to apply it even to the previous debate, the hon. Chairman would consider it. But so far as the present position is concerned, my ruling is that if it is not customary to mention the names of the hon. Members of the other House, then those names would be deleted.

SHRI J. K. JAIN: But, Sir, you have to see the context also, in what context the name is being mentioned. For that you have to apply your own judgement.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Very well.

DR. RAFIQ ZAKARIA: Sir, I just want to bring to your notice that a similar situation had arisen when I was presiding and Mr. Bhup-esh Gupta had mentioned the name of Mr. Lakkappa in some context and a case: an allegation was made — Mr. Kulkarni will bear me out — there was a discussion about it and I gave the ruling, which has been upheld, that if any allegation against a Member of the Other House is made, then that should not be allowed to be put on record. I mean I do not know in this case how far it is relevant. That is for you to decide. But this is just for your assistance.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): But you have yourself mentioned just now the name of Mr. Lakkappa in making your submission.

DR. RAFIQ ZAKARIA: Mr. Vice-Chairman, but I did not tell you the context and other things. I said some allegation against the Member was made. I mean, if you like \_\_\_\_\_ what I am saying is that the custom is that if an allegation against a Member of the other House is made, then it should not be allowed to go on record.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Quite right. my ruling still stands.

SHRI LAL K. ADVANI: Mr. Vice-Chairman. in the present context it is merely a quotation which is being objected to. And there can be no expunction of a quotation from the proceedings of this House.

SHRI ARVIND GANESH KUL-KARNI: So I go ahead. What I was mentioning was....

SHRI J. K. JAIN: What is your ruling, Sir?

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Order please. You were out when the ruling was given. Kindly sit down.

SHRI J. K. JAIN: But you are giving the ruling now.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): The ruling was given when you were not here.

SHRI J. K. JAIN: But just now you are giving the ruling. That is not the way.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): That is all right

SHRI J. K. JAIN: Sir, you should make it clear because the press is there and enough damage would be done if you do not make it clear whether it is expunged or not. We want your clear ruling whether it is expunged or not.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): I have given my ruling and for your sake, if you want, I will repeat it again. If it is not customary to mention...

SHRI J. K. JAIN: This is no ruling. Please make it very clear.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Mr. Jain, you must show some respect to the Chair.

SHRI J. K. JAIN: I am showing enough respect to you. You must give a clear ruling whether it is expunged or not.

SHRI N. K. P. SALVE: Sir, my respectful submission is, a ruling can never be contingent. It has to be positive. You have to make up your mind.

SHRI P. N. SUKUL: It is a vague ruling. You have to be precise.

SHRI LAL K. ADVANI: Mr. Vice-Chairman, Sir.....

SHRI P. N. SUKUL: You must be positive.

... (Interruptions) ...

SHRI N. K. P. SALVE: Sir, we do not mean any disrespect to you. If it is a question of adhering to a certain convention on which you have yourself given a ruling, my very respectful submission is, don't allow this to be circumvented like this. If it is in some other context, we will take the matter up with the Chairman, if necessary. Therefore, my submission to you is, in the meanwhile do not kindly allow it to go on the record. Otherwise tomorrow it will come in the press and the damage would have been done.

श्री बुद्ध प्रिय सौर्य : एक क्षण के लिये मेरी बात सुनिये ।

श्रीमन्, इस संबंध में मेरा निवेदन यह है कि यदि दूसरे सदन के किसी

माननीय सदस्य का नाम यहां आता है और उन पर कोई आरोप लगा कर आता है, तो इस रिकार्ड में नहीं जाना चाहिये । मेरी आपसे यह अपील है ।

आप रुलिंग चाहे जिस ढंग से रखें मुझे उससे कोई इतराज नहीं है । मेरी, तो यह प्रार्थना है कि आप इस तरह से व्यवस्था रखें कि यदि दूसरे सदन के किसी माननीय सदस्य के नाम को लेकर कोई आरोप लगा कर इस रिकार्ड पर जाता है, तो वह नहीं जाना चाहिये ।

श्री सैयद सिद्दीक़ रज़ी : मैं बहुत बसद अदब बात कहना चाहता हूँ अगर आप इजाजत दें । मेरा अर्ज करने का मतलब यह है कि चैंबर जो है, इसी हाउस की मेम्बर है और इस हाउस से उसका बहुत पुराना संबंध है ।

कनवेंशंस क्या है, क्या कस्टम्स है इस हाउस के, यह उसके सारे फ़ैमवर्क में ही है । यह एक अहम मसला है । इसलिये मैं आपसे गुजारिश करूंगा कि अगर कोई ऐसी बात है—तो आप इस वक्त थोड़ी सी बहस रोक करके, सैक्रेटरी-जनरल से कनसल्ट कर सकते हैं, अगर आपके जहन में वह बात नहीं कि क्या रुलिंग देनी है ।

यदि संभव हो, तो इसी वक्त इस बात को साफ़ कर दें, तो बेहतर होगा । वरना यह बात बढ़ती चली जायेगी और मैं समझता हूँ कि उसकी वजह से प्रोसी-डिग्न में बिघ्न पड़ेगा ।

SHRI LAL K. ADVANI: Mr. Vice-Chairman, Sir, in this House, on several occasions, this issue has been raised whether reference can be made to Members of the other House and particularly if disparaging remarks or allegations can be made. It

[Shri Lai K. Advani]

has also been raised whether allegations can be made against outsiders. On different occasions certain rulings have been given by the Chair. So, if the issue were open and original, I would certainly appeal to you to give a ruling on that. But there can never be expunction of excerpts quoted from past proceedings. For example, in the past, very many times, even in the Kanti debate, very many allegations were made against outsiders and today if someone were to quote that and I would object to that on the ground that he is an outsider, it would be irrelevant and it would be immediately ruled out. So far as the proceedings of this House are concerned, quoting from the excerpts can under no circumstances be expunged.

SHRI PILOO MODY: Mr. Vice-Chairman, Sir, today Mr. Salve himself, if I recall correctly, has mentioned Mr. Bahuguna Mr. George Fernandes, Mr. Patnaik, Mr. Kanti Desai. Mr. Antulay and God knows who else and whatever else was irrelevant to the debate today. But the fact of the matter is that when he did it, we did not object at all. We, on the contrary, encouraged him to seek and hold an inquiry against the J people. Obviously, this particular name seems to be rather fragile in this eco-system because every time this name is mentioned, obtusely, directly or indirectly, all of them get terribly nervous.

SHRI J. K. JAIN: He is trying to make a speech. What is this?

SHRI PILOO MODY: All of them get terribly nervous.

SHRI J. K. JAIN: Is it a point of order? I want to know whether it is a point of order.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Mr. Jain, will you kindly leave it to my discretion?

SHRI PILOO MODY: Therefore, Mr. Vice-Chairman, Sir, as Mr. Lai Advani very correctly pointed out, what Dr. Bhai Mahavir said was, I think, appropriately expunged and what Mr. Salve said was, I think, very inappropriately left in. At this point of time what Mr. Kulkarni says does not come with in the mischief of any law or rules and regulations of this House.

SHRI N. K. P. SALVE: There is one aspect which must be considered. What is the quotation? (*Interruptions*) in which context? Let it be clear.

SHRI PILOO MODY: In the Kanti context, in the Venezuela context, in the Mexico context.

SHRI N. K. P. SALVE: Sir, the quotation is a hog-wash. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): You have made your point.

श्री एन. के. पी. साल्वे: मेरी अर्ज आप सुन लें कि अगर वह किसी कोटेशन को पढ़ने जा रहे हैं तो वह कोटेशन पढ़ सकते हैं। अगर आपकी यह व्यवस्था है कि कोई कोटेशन पढ़ना चाहता है तो कोटेशन पढ़ ले, वहाँ तक तो ठीक है, मगर वह कोटेशन के बाद का जो संबंध जोड़ रहे हैं अपने भाषण में, उस के मूताल्लिक मेरी आपत्ति है और वह आपत्ति यह है कि वह जिस कॉन्टेक्स्ट में कोटेशन दे रहे हैं और जो फरमा रहे हैं, उसका आपस में कोई संबंध नहीं है।

SHRI ARVIND GANESH KUL-KARNI: Would you like me to quote again?

SHRI RAMAKRISHNA HEGDE: Sir, a similar occasion arose when Mr. Salve was moving a motion

about the inquiry into what ne called the Kanti affair, or whatever it is. Sir, the Minister of State in the Ministry of Labour and Parliamentary Affairs rose on a point of order. I ain quoting from the proceedings, because Mr. Salve mention several times Mr. Madhu Limay's nam<sub>a</sub> and Mr. Chandra Shekhar's name. Both of them were Members of that House at that time. They were not Ministers.

"THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND PARLIAMENTARY AFFAIRS (DR. RAM KRIPAL SINGH): On a point of order. Can a Member quota or can a Member be allowed to quote from the proceedings of the other House and the speeches of the other Members? You kindly give your ruling, Sir (*Interruptions*)

SHRI N. K. P. SALVE: Sir, these are my own notes that I had made (*Interruptions*)

SHRI BHAURAO DEVAJI KHOBRAGADE: He is quoting Mr. Madhu Linoaye. I would like to know from what speech of Mr. Madhu Limaye he is quoting. And nothing else.

SHRI PILOO MODY: Kindly expunge what Mr. Salve has quoted."

And Mr. Deputy Chairman ruled it..... (*Interruptions*) Similar matter, same thing happened. It is revealing. May I have to remind Mr. Salve that he himself made copious notes from the proceedings of this House and the other House and that was allowed and that csn-not be expunged?

SHRI N. K. P. SALVE: It is wholly ridiculous. Tomorrow I will quote Bernard Shaw. Will you allow it?

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): I have consulted the Secretary-General and given *my*

ruling. He say that since Shri Kul-karni has only quoted from the earlier proceedings no objection could be taken.

SHRI ARVIND GANES KULKARNI: What I was mentioning was you saw how the Members and the em powered committee was bypassed etc. It was Mr. Sethi's will to make a kill. He wanted to make a kill. An order had to go to Hindustan Monark. The other friend about whom I mention ed was involved in it. He attended some meetings also, as per reports in the press. That is why when I was asking for an inquiry .....

SHRI J. K. JAIN: I have a point of order because things are not clear

अभी जो उन्होंने पढ़ कर सुनाया . . .  
(व्यवधान) अरे आप बैठ जाइये। मुझे  
चेयर ने परमिशन दो है। आप हर चीज  
पर धींगाधींगी करना चाहते है. . (व्यवधान)

AN HON MEMBER': Shut up. (*Interruptions*)

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Order, please.

SHRI J. K. JAIN: Look at these people. He says 'Shut up'. (*Interruptions*) Why don't you reprimand the other people, the most unruly 1< t? (*Interruptions*) Now let me finish Mr. Kulkarni.

आप ने जो अभी पढ़ कर सुनाया'  
आप ने कहा जो कोटेशन वह पढ़ रहे  
हैं उस के बारे में इजाजत दी गई है।  
लेकिन उस से पहले डा० महावीर ने जो  
कहा, और जो नाम मेन्शन किया गया,  
क्या आप ने उसको प्रोसीडिंग से एक्सपज  
कर दिया . . . (व्यवधान) . . . उपसभाध्यक्ष  
महोदय, क्या आप ने उसको कार्यवाही से  
निकाल दिया है या नहीं, यह हमें आप  
बता दीजिये, बस ।

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): After I came on the Chair, whenever the question was raised, I have given my ruling accordingly on what happened before me.

SHRI J. K. JAIN: In your presence.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): In my presence. I have given the ruling at that time.

SHRI J. K. JAIN: That is not clear.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Please sit down. I beg to you to sit down. No, please sit down.

SHRI J. K. JAIN: You said, "If it is the convention or customary." It is not clear.

उपसभाध्यक्ष महोदय, मैं आप को बिल्कुल इस बात के लिये बताना चाहता हूँ कि हम विरोधी दल के लोगों की तरह व्यवहार नहीं कर सकते जिस तरह का व्यवहार उन्होंने श्याम लाल जी के साथ किया। मैं आप से निवेदन करता हूँ कि आप इस मामले में अपनी क्लियर रूलिंग दीजिये। इस तरह की गोल मोल बातें करने का कोई लाभ नहीं होगा। मैं आप से बिल्कुल निवेदन करता हूँ कि इस सदन की मर्यादा और परम्परा को बचाये। मेरा आप से निवेदन है कि आप कृपा कर के क्लियर रूलिंग दें। अभी आप ने सेक्रेटरी जनरल के कन्सल्टेशन का सहारा ले कर कोटेशन के लिये कहा है। अभी आप की प्रेजेंट में जो नाम लिये गये उन को आप ने एक्सपंज किया या नहीं। उस के बारे में आप क्लियर रूलिंग देने की कृपा करें :

SHRI ARVIND GANESH KULKARNI: May I continue?

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Yes.

SHRI J. K. JAIN: No this is not the way. Please. I request you.

देखिए, आप इस सदन के बहुत प्रतिष्ठित सदस्य हैं, आप वाइस चेयरमैन हैं। मैंने आप से कहा कि हम बहुत अनुशासित सिपाही हैं। किस तरह श्याम लाल जी के ऊपर विरोधी दल के लोगों ने कटाक्ष किये। लेकिन हम ऐसी कोई बात कहना नहीं चाहते। जिस कुर्सी पर आप विराजमान हैं वह न्याय की गद्दी है। आप कृपा कर के इस के बारे में क्लियर रूलिंग दें। इस से इस सदन की मर्यादा रहेगी। मैं आप की रूलिंग चाहता हूँ इस से पहले कि आप माननीय कुलकर्णी जी को बोलने के लिये कहें।

SHRI ARVIND GANESH KULKARNI: Sir what I was making was that....

SHRI J. K. JAIN: No, Sir. Please. What is this? I am making a request to you. Please make, it clear whether you have expunged it or not.

श्री अरविन्द गणेश कुलकर्णी : एक दफा और बोलो।

श्री जे. के. जैन : अभी आप ने जो कोटेशन के लिए परमिशन दी है उस से पहले जो नाम लिये गये उन को आप ने एक्सपंज किया या नहीं।

SHRI PILOO MODY: Mr. Salve, control him.

श्री जे. के. जैन : गोलमोल बात करने से कोई लाभ नहीं है। मैं आप से निवेदन कर रहा हूँ कि अभी जो आप ने कोटेशन के बारे में इजाजत दी है उस के लिये आप के चेयर में आने के बाद जो नाम मेशन किये गये आप ने उन को एक्सपंज किया है या नहीं ?

SHRI ARVIND GANESH KULKARNI: What I was saying was that Mr. Sethi was dead set on the kill, and he was steering his officers to adopt his strategy. That is what I mentioned, Sir. The officers were very upright. They understood where the Minister was ^hig. They ired to put him a not<sub>e</sub> because they had a bad experience. Unfortunately this was done. What were the orders of Mr. Se<sub>h</sub>i? Mr. Sethi's orders were these. I do not want to quote again all these details, datawise. But the final order is: "Please do not allow anybody to get the quotations after" the 17th or the 22nd, whatever that date is. The Ku<sub>0</sub> Oil contract was first a variable-price contract. But after Mr. Sethi's stipulated period I assert it was turned into the fixed-price contract. Therefore, we are thinking that there is something very fishy in changing this contract to benefit the party and to acquire funds.

[Mr. Deputy Chairman in the Chair]

Then, Mr. Deputy Chairman. I was dealing with another aspect of it, the telex system being changed, another funny thing which is explained. It has not been highlighted. But in the Public Undertakings Committee Report it has been mentioned. The officers have deposed thi<sub>s</sub> before the Committee. It is at page 13. It is stated:

"Apparently there was such system but unfortunately some information appears to have leaked out' "Thi<sub>s</sub> change from telex to sealed covers Was done on 27/28 March, 1980."

The order was given on the 22nd February to adopt sealed cover system. Even the gimmick of the telex was a total fraud. They wanted to obu<sup>e</sup> the Hindustan Monark.

Another disclosure made by the Committee itself is this. Sir, please refe<sup>T</sup> to page 13. I think Mr. Lavraj Kumar was deposing before the Committee. Please see Part C-Indian Ag-

883 RS—12

ents of Foreign Suppliers. I do not want to quote all the names. Hindustan Monark does not find a place there, but Obroi Hotels finds a place there. That mean<sub>s</sub> the- a&ency system in India is being utilised by various Governments, whichever Government it is. to pocket som<sub>e</sub> agent to create some money for political purposes. That is my assertion.

Then Sir the point came up about the file.

SHRI N. K. P. SALVE: Read those names.

SHRI ARVIND GANESH KULKARNI: Sir, Mr. Salve wants the names. Page 13, part.C:

"Quotations for spot tender floa<sup>ted</sup> by the IOC for import <sub>f</sub> petroleum products are quoted by the foreign suppliers directly or through their Indian agents. There are ab<sup>out</sup> 50 to 60 such agents. These in<sup>clude</sup> Unitrade, New Delhi; Matoor Pvt. Ltd. Bombay; Survir Enter<sup>prise</sup> New Delhi; Hindustan Monark, New Delhi.. \_\_\_\_\_"

Yes, it is there, I am sorry. That is my mistake.

SHRI J. K. JAIN: say "sorry"

SHRI PILOO MODY: I think there is something wrong with him. Already he has said "sorry". But he has not been able to hear for the last 15 minutes.

SHRI ARVIND GANESH KULKARNI:

"Chinai Chemicals. Bombay; Hotel Obroi, Bombay; Ragor Enterprises. New Delhi, etc."

Sir, I have lost much time, you do not know. What type of agents are these. You ask the previous Vice-Chairman. Twenty minutes have gone on points of order.

MR. DEPUTY CHAIRMAN:  
Twenty minutes?

SHRI ARVIND GANESH KULKARNI: Yes, you do not know perhaps. Sir, what I was saying was only on the point of the variable price contract spot prices, and I explained how we are becoming suspicious in spite of his statement.

Then, Sir, about the missing file, many friends from government have stated here that it is nothing, that in the general course the file was sent to the Prime Minister's office, etc., etc. If this was such an innocent affair. I would have been the first to uphold it. Mr. Shiv Shankar is laughing and he is provoking me also because he knows he is on a weak wicket here.

SHRI P. SHIV SHANKAR: Let me tell you. I was laughing because a man of my colour was laughing, not a man of your colour.

SHRI ARVIND GANESH KULKARNI: What I wanted to say was that about the missing file, various articles have appeared in the newspapers also, and Mr. Piloo Mody has given us a copy of the deliberations of the Committee on 2nd April or whatever it is. Sir. I have got high respect for Mr. Veerendra Patil. I know he is a most honest person. There are many honest persons in their party and in the Government and there are many bad persons also.

SHRI PILOO MODY: That is why he was thrown out of the Oil Ministry.

SHRI ARVIND GANESH KULKARNI: Might be, God knows. Perhaps he was not found useful. So Mr. Veerendra Patil after he took over found that this spot price system has come and he must have seen the letters from Mr. Vohra and Mr. Lavraj Kumar, or whatever it is, and from other officers. The name of Mr. Narayanaswamy, Joint Secretary, is also mentioned. Now a point is being made that the file was not being asked for for a year. Who told you

that it was not asked for? Sir, the Director of Commercial Audit all along was mentioning it, right from the day when they started the audit for the relevant full year, if you want I can quote.

SHRI RAMAKRISHNA HEGDE: December 1980.

SHRI ARVIND GANESH KULKARNI: Yes, They were all along mentioning "Please bring the file". Sir, it is on record—it is mentioned in this report itself—that ultimately Mr. Narayanaswamy, Joint Secretary, or somebody wrote to the Personal Assistant to Mr. Veerendra Patil, asking "Where is that file? Please show us." He was very hesitant. But ultimately it came on record because of Mr. Narayanaswamy's letter to the Personal Assistant of Mr. Veerendra Patil, but he kept silent. It is not we, Mr. Shiv Shankar, who were silent; it is not Members of the Public Undertakings Committee who were silent. It is actually your own people in the Ministry who were all along pressing but the Prime Minister's Secretariat or that Personal Assistant or Special Assistant — she has got only one Assistant like Mr. Dhawan—who was keeping the file, and the Director of Commercial Audit was all along pressing for the file and the file did not appear. I don't allege and it is none of my intention to say that the Prime Minister saw the file. I have never said it and I do not even think so. But somebody was interested, as has been stated here, to see that the file is not made available because perhaps they were afraid of Mr. Veerendra Patil, because he is an honest person, that perhaps in his own sweet innocence, he may show it. Or tell somebody this transaction is cooked. So the file was jolly well kept hiding from Audit. Somewhere in the Statement it is mentioned by Mr. Shiv Shankar that the file was made available and nobody inquired about it. I inquired from the Members of the Public



'Undertakings Committee. What did they say? The file was made available on 5th April. That was the information given by the Secretary of the Petroleum Ministry in his evidence. On 7th Mr. Rishikesh Bahadur wrote, if I am correct, or phoned Mr. Bansilal, and what was the reply? The Chairman of the Public Undertakings Committee replies: "Now it is no use calling the file; our term is being over; let us forget about it." This was the reply. This was how the file was handled and the Chairman acquiesced in circumstances.

SHRI BUDDHA PRIYA MAURYA: Are you the Chairman of the Public Undertakings Committee or Mr. Bansilal?

SHRI ARVIND GANESH KUL-KARNI: Mr. Bansilal.

SHRI BUDDHA PRIYA MAURYA: Then?

SHRI ARVIND GANESH KUL-KARNI: What then?

SHRI FILOO MODY: Is the Chairman the committee or the committee the Chairman, or is it Mr. Maurya?

SHRI ARVIND GANESH KUL-KARNI: Even there is a deposition that the Secretary of the Ministry talked to Dr. P. C. Alexander, what you call, the Special Secretary to the Prime Minister. Taking a view of all this, therefore, to say that nobody asked for the file and pleading innocence or there was no necessity, etc., etc., all this is a story which you are planting on us and trying to convince the people. It was said — I think my friend, Mr. Piloo Mody said — the file was sent by Mr. Veerendra Fatil. I accept it. He has sent it. But what was surprising is your Secretary should go and hand over the file to the Personal Assistant to Prime Minister? Without diarising what is so secret about it? Here is Mr. Jaavraj

Kuma who States on 2nd April: "The fact is that nobody, whether it is the Secretary or anybody else, has a right to take a secret file and hand it over to anybody else." Without proper procedure. This is the position of the file...

SHRI N. K. P. SALVE: Where does it come from?

SHRI ARVIND GANESH KUL-KARNI: This has come from Mr. Piloo Mody's note which has been given to him \_\_\_\_\_

SHRI N. K. P. SALVE: So Mr. Piloo Mody is the author of it.

SHRI ARVIND GANESH KUL-KARNI: So what I am trying to point out is how Mr. Sethi killed the bird or the tiger and how Hindustan Monark and through him many political personalities wanted to make money. I can further say that the intermediaries' houses were raided by the CBI. Let them deny it. The houses of the intermediaries were raided. My friend here mentioned one news about the *Financial Express* and the *Economic Times*. Dr. Maha-vir also mentioned *Hindustan Times* of Wednesday, February, 20, 1980. Some article was mentioned by him wherein the comma, apostrophe, everything is the same I know how it is planted. Mr. K. K. Birla phones his editor, "Please send two correspondents to that intermediary about whom I have already mentioned." And they go there. What is given to them? Not a typed copy, but what is called the proof or galley copy. It was given to them and they were asked to print that. This is about news in press. Now what I am going to say is very important. This was about Hindustan Times. Mr. K. K. Birla threatened Mr. Hiranmay Karlekar by telling him: You print it today and if you do not want to print it, tell me. They mean editor and correspondents were laughing at this not knowing what it was so important all about. This was an arrangement to see that we kill the tiger as it

[Shri Arvind Ganesh Kulkarni]

was necessary as per press reports. The Hindustan Times says: Western Coal Field Headquarters shifted ..... (Interruptions).

SHRI N. K. P. SALVE: I am on a point of order. What is its relevance? (Interruptions).

SHRI ARVIND GANESH KULKARNI: This is a news item.

SHRI N. K. P. SALVE: I am on a point of order. The rules require that a Member, while speaking, shall be relevant to the subject of the debate .....

SHRI RAMAKRISHNA HEGDE: It is circumstantial evidence.

SHRI N. K. P. SALVE: He must understand what 'circumstantial evidence' means. 'Circumstantial evidence' for what? Sir, my point of order is that at this juncture we are not debating as to where the Western India Coal Fields have shifted their headquarters. We are not discussing the Ministry of Coal and Mines or the Industries Ministry. We are discussing a particular transaction mentioned in the Order Paper. Now irrelevant material is being quoted and highly motivated statements are being made just to malign some Members of the other House. I seek your protection. Please give your ruling.

MR. DEPUTY CHAIRMAN : Do not mention such things. Do not name anybody.

SHRI ARVIND GANESH KULKARNI: This is Hindustan Times. Wednesday, February 29, 1980 .....

\* MR. DEPUTY CHAIRMAN: Do not refer to that.

SHRI ARVIND GANESH KULKARNI: This says that IOC invites tenders for diesel import. Along with it, there is another news item. This

appeared in the *Hindustan Times* of 22nd February 1980. It says that Western Coal Fields Headquarters shifted. This is what I was drawing inference of collusion to plant news. This was planted by some persons who are interested in this deal, to create conditions to justify the action. This has been stated. Then about Hindustan Monark, I enquired about it. There is one Harish Jain. His history has been narrated here. I am not mentioning whether he is using Toyota car. When easy money is available anybody can purchase beautiful women and cars imported (Interruptions) About corruption I do not want to say anything ..... (Interruptions)

SHRI J. K. JAIN: This portion should not go into the record. He might have been purchasing beautiful women... (Interruptions)

SHRI ARVIND GANESH KULKARNI: Yes.

SHRI J. K. JAIN: It is highly objectionable to say that somebody can purchase beautiful women.

SHRI ARVIND GANESH KULKARNI: You are doing it surreptitiously and I am doing it openly.

SHRI J. K. JAIN: It is not a matter of joke.

SHRI ARVIND GANESH KULKARNI: He is inviting trouble unnecessary.

SHRI J. K. JAIN: What he said is highly objectionable. Kindly see that.... (Interruptions).

MR. DEPUTY CHAIRMAN: Do not mention such remarks.

SHRI P. SHIV SHANKAR: I will only make a submission that it will not go on record .. (Interruptions).

SHRI ARVIND GANESH KULKARNI: Why? I own it. I am not ashamed of it ..... (Interruptions),.

SHRI BUDDHA PRIYA MAURYA: Mr. Kulkarni is a purchasable commodity.

SHRI P. SHIV SHANKAR: There should be some ethical and moral standards.

MR. DEPUTY CHAIRMAN: I will SO through the record and see. (*Interruptions*).

SHRI BUDDHA PRIYA MAURYA: You belong to the sugar lobby and you are purchasable.. (*Interruptions*).

SHRI ARVIND GANESH KULKARNI: Mr. Maurya is a purchasable commodity. (*Interruptions*). Sir, I am coming to the last part, and I quote .... (*Interruptions*).

SHRI N. K. P. SALVE: Sir, Mr. Kulkarni comes from Maharashtra, from a land where, like other places, women are highly respected. So, Sir, he should have some consideration for his mother, for his sister, for his daughter and for his daughter-in-law. (*Interruptions*).

SHRI J. K. JAIN: It should be expunged. Sir. (*Interruptions*).

MR. DEPUTY CHAIRMAN: I will go through the record.

SHRI ARVIND GANESH KULKARNI: Mr Salve, you must understand that what I said was how ill-gotten money is spent badly.

SHRI N. K. P. SALVE: That is all right.

SHRI J. K. JAIN: Why did you say so? (*Interruptions*). What do you mean by ill-gotten money?

SHRI P. SHIV SHANKAR: Such a generalised expression should not be used. (*Interruptions*).

श्रीमती प्रतिभा सिंह (बिहार): महोदय, मेरा यह निवेदन है कि आपका द्वारा

महिलाओं के बारे में इस तरह के आक्षेप यहां पर रिकॉर्ड में नहीं आने चाहिए।...

श्री जे० क० जैन : शर्म आनी चाहिए।

श्रीमती प्रतिभा सिंह : महिलाओं के प्रति इस तरह के शब्दों का प्रयोग करना गलत बात है और उन पर इस तरह आक्षेप करना बिल्कुल गलत बात है और मैं इसका सख्त विरोध करती हूँ।

SHRI PILOO MODY: Mr. Deputy Chairman, Sir, this may be a very august House and this may be a very sacred country. But let us not rise to the heights of hypocrisy by thinking that the facts of life can be washed away by expunctions and. therefore. Sir,.....

SHRI J. K. JAIN: He should not have said. (*Interruptions*).

SHRI PILOO MODY: Therefore, Sir, let me make a submission. Let Mr. Kulkarni be the sole judge of whatever he says and let him be the sole judge to decide whether what he has said is right Or is not right it should go or it should not go. (*Inter-ruptions*). Otherwise, we would continue to rise to the heights of hypocrisy. (*Interruptions*).

SHRI J. K. JAIN: Sir, he should apologise to the House. (*Interruptions*).

SHRIMATI PRATIBHA SINGH: Yes, Sir. (*Interruptions*).

SHRI J. K. JAIN: He cannot go on like this. (*Mterruiptions*)..

SHRI ARVIND GANESH KULKARNI: Sir, I have already said that what I said was how-ill-gotten money could be used very badly. After that, if the reference to women is bad. I do not mind if you do not-allow it go. (*Interruptions*).

SHRI J. K. JAIN: But you should apologise.

SHRI ARVIND GANESH KULKARNI: I am not going to apologise. (Interruptions).

SHRI J. K. JAIN: Sir, he says he is not prepared to do it. (Interruptions).

SHRI BUDDHA PRIYA MAURYA: Sir, he should mend his ways. (Interruptions) Mr. Kulkarni, you are having the most poisonous mind. (Interruptions). Yours is the most poisonous mind in this House. (Interruptions)

श्री जे० के० जैन : आप इनसे कहें कि सदन के सामने खड़े होकर माफी मांगें ।

SHRI R. MOHANARANGAM (Tamil Nadu): Sir, we have got high regard for Mr. Kulkarni and he is one of the experienced Members of this House. If anybody goes through the records after ten or fifteen years and if anybody thinks that Mr. Kulkarni is of that type, I don't think I can tolerate it. So, Sir, I would request you to inform Mr. Kulkarni that you are expunging his words.

श्री जे० के० जैन : आप माफी मांगिये.. (व्यवधान).. मेरा आपसे निवेदन है कि आप कहें कि ये सदन में खड़े होकर माफी मांगें.. (व्यवधान).. देखिये, इस सदन में कोई भी व्यक्ति आलतू फालतू वेफजूल बात कहे और एक्सपोज करके भाग जाये, इसलिये हम बिल्कुल तैयार नहीं हैं। आप इनसे कहिये, ये एक वयोवृद्ध नेता है, माफी मांगने में क्या बुराई है, इन्होंने महिलाओं के खिलाफ जिन गंदे शब्दों का प्रयोग किया है, आप भी इसको लाइक नहीं करेंगे। इसलिये आप इनसे कहें कि इसके लिये क्षमा याचना करें।.. (व्यवधान)..

श्री उपसभापति : अब बात समाप्त हो गई ।

श्री कल्पनाथ राव : माफी मांगें ।

SHRI ARVIND GANESH KULKARNI: I have already said what I wanted to say. You don't understand English. What can I do? (Interruptions).

SHRI J. K. JAIN: You should apologise. Sir, he should apologise (Interruptions) .

MR. DEPUTY CHAIRMAN: Mr. Kulkarni, please conclude.

SHRI ARVIND GANESH KULKARNI: Sir, the last para of the minutes, I am quoting. Sir, we are suspicious that corruption has taken place in this deal and it is necessary that a commission of inquiry is demanded by us in the Opposition. Otherwise, justice cannot be done. Sir, in this connection, I only quote the last para:

Lord Chancellor Viscount Kilmuir was quoted in the House itself on 10th August 1978. He has said:

"It may be necessary to kill harmful rumours which are found to be unjustified. It is absolutely necessary and this, I am sure, was very much in the minds of the Government who introduced this measure to restore public confidence in public conduct and administration." These ends, may well be of such importance to the life of the nation as to justify the means which inflict hardship on individuals."

Sir, this was quoted by no less a person than Mr. N. K. P. Salve, the Deputy Leader of your party and who was a Member on this side in the Kanti affair. If you want the debate, I will keep it on records.

Thank you. (Interruptions).

DR. RAFIQ ZAKARIA: Mr. Deputy Chairman, at the outset, I would like to make it clear that at the fag end

of this debate I have no intention of repeating the points and the replies to those points given on this side of that House. May I come to the front bench if you don't mind?

MR. DEPUTY CHAIRMAN: Yes:

DR. RAFIQ ZAKARIA: Sir, as you know...

SHRI RAMAKRISHNA HEGDE: Now you are giving the impression as if you are replying to the debate.

DR. RAFIQ ZAKARIA: I don't know, Mr. Hegde, why you are indulging in all sorts of frivolities which ill-become a senior Member like you.

SHRI J. K. JAIN: He is a frustrated man.. (Interruptions) Nothing but your frustration is coming out.

SHRI RAMAKRISHNA HEGDE: I never had frustration in my life. (Interruptions).

MR. DEPUTY CHAIRMAN: Order, Please.

DR. RAFIQ ZAKARIA: I would humbly request my friend to allow me the few minutes that I propose to take.

Sir, the debate has arisen, either in this House or in the other House, as a result of an article which Mr. Arun Shourie wrote in the *Indian Express* and the title of that article was: Story of the Missing File. Now, Sir, I have tried to understand, after I read everything on this subject and after hearing speakers on the opposite side, as to what was it that was sought to be made out as far as this missing file was concerned, because. Sir, the missing file would have some relevance if it was to be alleged that before the contract was entered into the file was submitted, or at the relevant time when the contract was entered into the file was at the Prime Minister's house. But the fact, Sir, which has not been contested by

the other side—I am subject to correction—is that the contract was concluded on the 22nd February. Am I right?

AN HON. MEMBER: Yes.

DR. RAFIQ ZAKARIA: The so-called missing file was taken by the Private Secretary to Mr. Veerendra Patil to the Prime Minister's house two months later, on the 22nd of April 1981 and, therefore.....

SHRI PILOO MODY: 1980.

DR. RAFIQ ZAKARIA: Whatever it is. Now, the question, therefore arises that as far as this deal is concerned, I do not want to go into the merits and demerits of that, deal, because the allegations that have been made have been effectively met from this side. I think Mr. Salve answered them point by point. Now Sir, I must congratulate Mr. Ramamurti who in his speech made it clear that he is not making any allegations against the Prime Minister or, that as far as the missing file is concerned the Prime Minister's house had anything to do with it. I want Mr. Deputy Chairman's attention. I am addressing you. Therefore, Mr. Veerendra Patil's Private Secretary took the file at the instance of Mr. Veerendra Patil to the Special Assistant to the Prime Minister and thereafter the file was missing. The allegation is and perhaps there are certain facts which have not been controverted that the file was not found for a long time. Mr. Veerendra Patil has made it very clear that he wanted the file to be seen by the Prime Minister because he wanted to know whether the procedure that has been followed was to be continued or some other produced had to be adopted. (Interruption) May I have your attention, Sir, or I better sit down? This is very disturbing to a speaker. I am going to take only ten to 15 minutes. Therefore, Sir, the question arises that though Mr. Veerendra Patil wanted guidance from the Prime Minister, but thereafter no action was taken on that

[Dr. Rafiq Zakaria]

file in the sense that the Prime Minister did not have occasion to see that file.

SHRI PILOO MODY: Action was taken.

DR. RAFIQ ZAKARIA: It is mentioned in the statement of Mr. Shiv Shankar that in the meantime Mr. Veerendra Patil had discussions with the Finance Minister who was at that time abroad and as soon as the Finance Minister came back...

SHRI PILOO MODY: No, no.

DR. RAFIQ ZAKARIA: Please let me put my version. Mr. Piloo Mody was listened to with so much of silence. He must give this much of indulgence to others.

SHRI PILOO MODY: I am sorry.

DR. RAFIQ ZAKARIA: Therefore, as I said, Mr. Veerendra Patil had discussions with the Finance Minister who was abroad at that relevant time and, therefore, a certain policy was decided which was then followed. Therefore, where does the question of this particular missing file becoming relevant arise? As far as that particular deal was concerned, it was already signed and finished. The question is: why was three files not found? I can tell you with my long experience as a Minister that where movements of files are not noted, it becomes very difficult to trace any file. Those of us who have any experience of the working of the Prime Minister's office and the way the officers there are functioning from 8 O'clock in the morning till about 10 or 11 O'clock at night and the integrity and hard work with which they are carrying out their duties know it. Any kind of innuendo that the file was missing is deliberately baseless. I say that this is not relevant at all. This deal was already signed? What was there to hide? Where does this question arise? Mr. Ramamurti made it very clear that the Prime Minister did not know about it. Only Mr. Piloo

Mody, for the first time, made certain innuendoes, innuendoes which were also made in the other House, innuendoes which were not made in the press also, alleging that Mr. Sethi at the instance of somebody higher up did it. There is absolutely no link with it as far as the missing file is concerned. In fact, a very cogent and logical statement has been presented by Mr. Shiv Shankar giving step by step all the developments that took place.

But, you see, Mr. Piloo Mody has his own dramatic manner and he is a very good actor, and he has got a wonderful voice which can drown everybody else's, voice and it is melodious also and so one likes to listen to him and God has gifted him with wit which silences all arguments and all logic and therefore, Sir, he is able to get away even with murder. In this case, Sir, he has murdered the truth. Otherwise, as far as Mr. Shiv Shankar's statement is concerned, it is one of the most logical and well-argued documents that have ever come across. But all that I can tell Mr. Shiv Shankar in the words of the great Urdu Poet, Ghalib, is:

“य\* रव न बोह समझे हैं न समझेंगे  
मेरी बात”  
—दे उनकी समझ और जो न दे उन  
जूबां और।

If Mr. Shiv Shankar's language is still not understood by Mr. Piloo Mody, then there is something wrong with the understanding of Mr. Piloo Mody.

SHRI PILOO MODY: I did not say that I did not understand him.

DR. RAFIQ ZAKARIA: The way he read it, Sir and the way... (Interruptions). The way he referred to Mr. Sethi also, I did not know that he was such an ardent student of Shakespeare. But, Sir, the whole thing is an innuendo, sort of hidden allegations with no basis at all. On what basis does he say these things? Simply because in a transaction of this kind a loss has definitely taken place. Sir, I do not want to say national or actual. I want to

know from the Petroleum. Minister whether such fixed contracts have been entered into by the Government in other commodities or not. Have they been entered into by the Janata Party Government or not? I am not singling out the Janata Party Government. It has been happening. Now, for instance, my information is that the Janata Party Government entered into innumerable contracts on fixed price terms as far as cement is concerned, as far as rubber is concerned as far as paper is concerned, as far as steel is concerned and as far as aluminium is concerned. Mr. Salve made a reference to some of them. That is the whole story and Mr. Ramamurti says that it is the fundamental policy of the Government that there should be variable price formula. Is it so, Sir?

SHRI N. K. P. SALVE: It is not,

DR. RAFIQ ZAKARIA: Is it so with any Government and not only with our Government? Therefore, the whole impression that is sought to be created and the pith and substance of Mr. Ramamurti's speech is that you, there, have made a departure from the fundamental policy and that even the Cabinet did not go into it. Sir, where is the fundamental policy that only variable price contracts have got to be entered into? And, Sir, the other important point which has been urged by the other side is that our Ministers should be rubber stamps what bureaucrats wrote. Have they not to apply their mind to what they think is in the larger interests of the country? And, Sir, if losses are going to be incurred as a result of the decision taken by Ministers, then I would like to know which Minister could not be charged with such losses. Right from the beginning I have taken as a Ministers so many decisions. I do not know in future what the losses would be and the gains would be. At a particular moment you come to a particular decision based on your appreciation of what the circumstances are and if we are going to challenge that, then, Sir, parliamentary democracy cannot function. Not

only parliamentary democracy cannot function but the separation of powers which is its basis will also become a mockery.

Lastly, Sir, I would like to be of my friends on the other side that this whole effort all the time to denigrate the person and institution of the Prime Minister must stop. They are doing the greatest harm to Parliamentary democracy. After all, the Prime Minister is the key-stone of this whole arch, and at a time when the Prime Minister is on such a crucial visit, to indulge in this kind of baseless, untenable innuendoes and to suggest that simply because a particular file was not found, that there is something hanky-panky, is not fair. I will give you my own example. Only a few weeks ago, a particular officer was invited to go on behalf of the Government of India to attend some international conference on food technology etc. and his papers were submitted. I tried to help. Those papers were with the Minister—I do not want to take the name of that Minister—and despite my best efforts, it took me almost 7 weeks before that file could be found. So, as I said, sometimes movements are not recorded and this kind of a situation can arise, especially in the Prime Minister's Secretariat where hundreds of files from all Ministries are sent practically everyday.

Lastly, as a Minister, I know that whenever you had to take certain files to the Chief Minister or the Prime Minister at the Centre, files are taken personally by Ministers or officers' files are taken because some discussions are taking place etc. It is not as was suggested by some friends on the other side that every file gets recorded in that sense. Sometimes there is some urgency; sometimes you get an urgent message sometimes some urgent decisions are to be taken and if we are going to create this kind of an iron system, as far as our functioning is concerned, then I don't think....

SHRI RAMAKRISHNA HEGDE:  
Watergate was enough.

DR. RAFIQ ZAKARIA; I don't know what has happened to Mr. Hegde today. What has the Watergate got to do with it? There is no relevance or link between one and the other. I would like to know from the Minister as to how many contracts were entered into—and I am sure quite a number of contracts resulted in losses as can be shown; but still I will not charge those Janata Ministers that they did it dishonestly or because they wanted to make more money. It is so easy to make these allegations. To indulge in this kind of cheap character assassination does not become a democracy like ours. All I would tell my friends on the other side is that please have some sense of proportion, some sense of value, some sense of balance. What is this going on in a country like ours where we deal with thousands and thousands of crores of rupees. And if a Minister is going to be accountable in a manner like this simply on the basis of a missing file, it will not lead us anywhere. The whole thing started on the basis of a missing file and there is nothing in that missing file and that file went there after the whole contract was over; it went there after two months, and still all this hulla-ballu has been created. Therefore, let us stop it; let us see that by our conduct and our behaviour, we do not create an atmosphere where people will lose faith in the very institution which we are called upon to serve. Thank you.

SHRI M. KALYANASUNDARAM (Tamil Nadu): Sir, the Kuo Oil deal and the manner in which the Deal was settled, have come to light and this has been rocking both the Houses of Parliament for nearly 2 or 3 weeks. In spite of tension that such a debate could create, it is heartening to note that the debate is going on smoothly in spite of some disruption due to some interruptions. Now, let us examine the facts as they have been reported in official documents. I am not guided by news paper reports or a% gossip. Even the

Public Undertakings Committee has said that this deal has not been prudently done. They have also suggested that a further probe is necessary and a proper explanation is essential. This is the conclusion of the Committee and Public Undertakings in which the ruling party Members are in a majority. The Chairman himself belongs to the ruling party. When such a Parliamentary Committee had come to this conclusion, is it not the responsibility of this House to examine the PO^t dispassionately? We should do it without taking sides, politically. The Minister's statement is^ no doubt, cleverly drafted. But it does not succeed in defending the deal, in any manner. After explaining how the tenders were called, he says;

"All these offers were evaluated. On February 15, 1980, all the tenderers were desired to extend the validity of their offers till February 22, 1980."

Seven days time was given for a final decision. What happened during this period is very crucial. Now, the Minister has rejected some twelve tenders. Of the remaining two tenders, one was that of the London firm and the other was that of the Hongkong firm, Kuo Oil Company. Details connected with this have been explained by hon. Members, Mr. Piloo Mody and Mr. Rama-murti. What is very significant in this is, the letter written by the Secretary of the Petroleum Ministry to the Chairman of the Indian Oil Corporation. In this, he has referred to the discussion which took place between him and the Chairman that day earlier and he has said that the Government have decided to award the contract to Hindustan Monark Private Limited on the basis of the revised price offer dated 22-2-80. A detailed discussion takes place on that day, the offer is made on the same day, i.e. 22nd February, 1980; and on the same day, the decision is conveyed to accept that offer. Does it not give room for doubt that all these things were preplanned, premeditated or concocted to enable this Hindustan



Monark? As per the spelling, it is not a monarch. But the pronunciation gives the impression that it is a monarch. Whatever it is. The main question is, how does this Hindustan Monark come into the picture as an agent? This is a very important question which the hon. Minister should answer. He has not dealt with this point either in this House or in the other House. Why should we why should our Govt, go in for such an agent who has no experience in the field? Or, was it that the agent was imposed by this Kuo Oil Company on the Government? Or was it that the agent got hold of somebody in the Petroleum Ministry and brought this Kuo Oil Company into this deal? So, these are all mischievous things and shadowed with all sorts of doubts. The manner in which the decision has been taken on 22nd February, 1980, to award the contract to Kuo Oil company through the intervention of the agent, Hindustan Monark, is highly suspicious and it requires to be cleared. Nobody is interested in damaging the prestige of the ruling party or the Prime Minister. Why should it be done? There is no need to apprehend like that, but such incidents will not add credit to the ruling party.

The other thing is, I wonder how such things are leaking out. This 'leaking out' also must be deliberately done from your own side. Otherwise, how can a press reporter come to know of such details?

SHRI N. K. P. SALVE: Bureaucrats.

SHRI M. KALYANASUNDARAM: May be, somebody is dissatisfied. Either the bureaucrat is twisting the politicians or the politicians are twisting the bureaucrats. It can be both ways. But we cannot be happy about this. How such details, which are not available to the Members of Parliament, which are not available even to that Parliamentary Committee are available to others? That is a very State of affairs in the Government. I do not say that all bureaucrats are bad. I do not say that these bureaucrats have

done it with some intention. Or there may be some rival agent to this Hindustan Monark who may be interested in damaging the deal and casting aspersions on it. The Government should take care of all these things, especially when the contract are indented with foreign firms.

Sir, in these sort of contracts allegations insinuations or allegation of corruption are common. It is not only in this case, but it has been in several cases earlier also. It is not a question of party. In fact, it is an international phenomenon. Such allegations had taken place in Japan in Italy, in America. When dealing with foreign firms one should take care. In these countries there is a margin for 10 per cent of the whole contract which is free from audit. It is not subjected to audit. In Japan that is the position. In West Germany that is the position. In Britain that is the position. In America that was the position till Watergate. After the Watergate, they tried to bring it by saying that 10 per cent amount is intended for promotional activities. There was an agitation to restore this *status quo*, that is to keep this 10 per cent promotional amount free from audit. What is the justification given by these industrialists and monopolists in America? After Reagan came to power they said, France is free Germany is free, Japan is free and here you are insisting on us to subject that amount also to audit which will affect our national business. This is the attitude taken. How did they explain? They said that in the third world countries, for any transaction, they had to pay to the bureaucrats and also to the politicians. That is the plea taken by the industrialists in America. Even otherwise the agency system itself implies that there is room for commission. You must go deep into the matter whenever you transact through agents. After all, the agents are not so patriots to serve this Government out of sympathy for the oil crisis that we are facing. How do they come up, what is their attitude-

[Shri M. Kalyanasundaram]

tude? Wherever there is agency, naturally commission is implied. To, enhance the commission, they manipulate such things and try to get as much concession from the Government as possible and then go to their principals and get maximum commission. There is room for sharing such commission. So this is a very dangerous system. Let us go deep into it. These companies and their agents exploit the miseries and difficulties of our country. That is what happened in this case. I do not suspect the bonafide of the Petroleum Minister, Mr. Sethi. He may be innocent. But how does he explain his conduct? In one day on 22nd February 1980, he makes a fresh offer on the basis of fixed price formula and then accepts the contract. The Committee on Public Undertakings says in its printed report that this offer of Hindustan Monark at the initial stage was not on the basis of fixed price formula and their offer was not the lowest. So how this happened as a mystery, even according to this Committee.

Sir the matter is not so simple as to be whitewashed in the way in which Mr. Shiv Shankar is trying to do it. Of course, he has to, that is his responsibility. He is called upon to defend such a transaction. In the heart of his heart, he may not be convinced. I do not know. That is why he blows hot and cold. At one stage he says that the Minister has taken a very courageous decision for which the nation should be grateful to him, and in the next sentence he says there is room for error of judgement, specially from hindsight, if you look back, there is room for error of judgement. Whether he is defending the transaction or attacking the transaction, we do not know. He himself is not sure whether the transaction was correct cent per cent and was in the best interests of the nation. He also admits that loss or profit is only national. How can this loss be treated as national? Did the Hindustan

Monark undertake this transaction free of charge? Have they not charged commission from them? What is the amount of this commission? Have you got the right to examine all those questions? These are all very important matters and should not be brushed aside in this way.

Another point I want to mention specially is about the offering of tenders. He has not met that point. That is why I want to raise it. Usually the Empowered Committee has the authority to examine the tenders and put up proposals for acceptance. Why the Empowered Committee was dispensed with in this case? There is no explanation offered either in that House or here. He should explain that.

Then coming to the missing file again this also indicates the sad state of affairs in which our Government is functioning. If this is the case, then our Government officials will be vulnerable to foreign agents and spies who can do anything with the files. What is the state of affairs? That happened in the Prime Minister's office. The file goes there and for two years it cannot be traced or located and the person who handed over the file does not know to whom he handed it over. The Special Assistant to the Prime Minister is not sure and the person who gave the file to him also is not sure. Does it speak well of the way in which the Prime Minister's office is functioning? why do you blame the Opposition if they take advantage of all these weaknesses? No one can be happy about it. We must be concerned about it. We should discuss more important issues. We have no time to discuss about the Plan. We have no time to discuss about the economic situation in the country. We have no time to discuss about the threat to our national security around us. For such questions we do not find time and most of our time is taken in discussing such things only. Not that they are not important But why- give

room to such things? The ruling party Members must think more seriously. You are not defending the prestige and image of your Prime Minister by these methods. You can do well only by ordering a full-fledged inquiry. It should be a warning to all—A commission of inquiry must be appointed and that commission must examine and clear the whole thing—whether it is the missing file or how the contract was awarded, how his man was created, who created Hindustan Monark. These are very vital questions. The entire nation is watching our debate and they must now answer the nation. It is not enough to answer the Opposition or silence the Opposition or to agree with the Opposition.

There also he is clever. He speaks about what happened during the regime of the Janata Government. Why does he remind of it now? You are in power. Take action. Why hide anybody? Or is it a signal for a compromise or are you just threatening them, "If you go beyond this I will act?" Is it a threat or is it an overture for a compromise? You may be fighting against each other like this, but what happens to this country is our concern. That is why I am insisting on my demand that there should be a commission of inquiry under the Commissions of Inquiry Act and let it inquire and let the whole truth come out. That will be good to the ruling party, that will be good to the country and that will be good to the public life.

SHRI N. K. P. SALVE: Sir, we have already debated for seven hours and, I am sure, all the sections of the House are by now feeling exhausted.

SHRI GHULAM RASOOL MATTO (JAMMU AND KASHMIR): I will take five minutes only.

MR. DEPUTY CHAIRMAN: All right. Five minutes.

SHRI GHULAM RASOOL MATTO: Mr. Deputy Chairman, Sir, coming from across the mountains, ordinarily

I should not have taken part in a debate like this, but while doing my duty as a Member of the Rajya Sabha I think I must say something on this important issue.

Sir, I have tried to analyse in my mind during the last few days, particularly after Mr. Shiv Shankar's statement yesterday, as to what is the actual position with regard to this matter. To my mind, certain things have cropped up. Mr. Shiv Shankar has given a very lucid statement and I must confess that I have been impressed by this statement. The Opposition parties have also made certain insinuations. Now, these insinuations have been made on the basis of the press reports or the information that is available with them privately. In these circumstances, for an onlooker like me it is very difficult to know whether the insinuations made by the Opposition are faulty or correct. But, obviously, I have to rely on the official statement given by the Minister.

When I saw the statement, as I told you, I was impressed by it. But I cannot understand one thing. This whole thing has been blown out of all proportion for one simple reason. This statement, to my mind, should have come three weeks earlier and there should have been no hullabaloo like this. Why did not the Minister of Petroleum take time by the forelock? Whenever a story like this appears in the press, he should come up *suo motu* with a statement like the one he gave yesterday. In this connection I have to remind that if a news item appears with regard to the working of any Ministry and which is false, the very next day the spokesman of the Ministry comes out with a contradiction.

Now if this thing appeared in the press a month ago, why did the Petroleum Minister not take it up then? I can assure you that if this statement of Mr. Shiv Shankar was made three weeks or one month earlier, all these thousands of pages written by the newspapers and all this hullabaloo would not have been there.

(Shri Ghulam Rasool Matto)

Coming to the statement as such and the insinuations made by the Opposition I have come to two important conclusions. No. 1 is that the Prime Minister is at no stage involved in any of the deals. This is corroborated by the fact that even if the file has been missing for two years, it was available to the PUC on the 5th of April and it was notified to them that they must look into this. And, if they chose not to look into it, as is alleged by the Minister, it obviously means that the Prime Minister does not at all come into the picture, and she is completely exonerated. No. 2 is about the Personal Assistant to the Prime Minister. Here again, when the file is available, nothing is done by the Personal Assistant. I exonerate him also from any charges that are being levelled against him.

Having done that, I now come to the actual position. I am a small man doing a small business. But incidentally and ironically both these things happened to me personally. Two years ago, the file of my business transactions got stuck up in my account papers of 1978-79 and it could not be traced for one year and I suffered on that account. Another point is with regard to the transaction that has been done. Mr. P. C. Sethi may have done it in good faith—and I have no doubt that he has done it in good faith. I can tell you one personal instance. In April last, the pound value was fluctuating. I had to import some raw materials from Australia. I was advised that because of these fluctuations I must book foreign exchange in sterling equivalent to Australia dollars and I booked at that particular time, at that particular rate which was prevailing at that time. I did so. Two or three days after that, the rate went up, but when actually the imports came the value had gone down. So the point foremost is that at that particular point of time when I made the decision of booking foreign exchange I thought I would suffer if I did not book, but when the actual transaction was con-

cluded, if it did not happen, that was not my fault. I can assure you that this decision-making is an important factor not only in business, not only in industry but also in the Government. But, in this connection, I am impressed by the fact that not only 5,11,000 tonnes have been purchased at 353 dollars, but another 5,20,000 tonnes have also been purchased at 353.50 dollars from Kuwait National Petroleum. That was on a different basis. We have made a profit of 3.25 million. If this is the situation, the cards are so clear.

There is one lacuna left now which I would like to bring to the notice of the Minister of Petroleum, and that lacuna is that his statement has come in a belated way and in the meantime a lot of fuss has been created in the press as well as by the Opposition. So what is needed is that the statement made by him should be confirmed by an independent authority. Now what are the ways in which this statement, about which I have no point to doubt in my mind, should be confirmed so that everybody is satisfied?

For that purpose, there are three or four alternatives available:

First is a Parliamentary Committee. As I have read in the newspapers. Mr. Shiv Shankar is not agreeable to having a Parliamentary Committee. I agree with him to a certain extent because the parties have made their right stand on this particular issue, and, therefore it may not be proper to have a Parliamentary Committee.

The second alternative available is a Commission of inquiry. To my mind, this matter cannot come under the Commissions of Inquiry Act because this decision-making problem cannot go there.

There are now two other alternatives available. And one of them is a very important alternative. The alternative, as has been suggested by several speakers in this House, is this. Ordinarily, in a public corporation two audits are being done—one by the

Comptroller and Auditor-General and the other by a commercial auditor, a chartered accountant. The chartered accountant has only to see that the vouchers have been passed, this and that. But the Auditor-General goes deep into matter to see whether this has been done in the correct way or not. This aspect has been reiterated by all the speakers over the e. *(Time bell rings)* Two minutes. The file was not available to the Auditor-General at that particular time. Now that the file is available—it was available on the 5th of April—I would request the hon. Minister to ask the Comptroller and Auditor-General personally to enquire, and see to it that this thing is cleared from that point of view. To my mind, if the Comptroller and Auditor-General clears this case from that angle, then, the whole matter ends.

The fourth alternative available is to ask an officer who has been an economist plus administrator to go into the matter and see if all the norms and formalities have been observed.

These observations, I think, Sir, should be looked into by the Minister and replies given.

MR. DEPUTY CHAIRMAN: Thank you. Hon. Minister.

SHRI P. SHIV SHANKAR: Sir,....

SHRI PILOO MODY: How can you start? Mr. Jain is not here.

SHRI RAMAKRISHNA HDGDE: He has done his job already.

SHRI P. SHIV SHANKAR: Mr. Deputy Chairman, Sir it is no doubt true that in the course of this debate, there have been quite a few innuendoes, insinuations and invectives, but by and large I must submit that notwithstanding a little of ruffling here and there, the debate has gone on well. and some of the hon. Members have really raised some important issues which deserve to be explained by me.

I must submit that in this case there has been a wholly wrong approach.

Why I say "wrong approach" is that the entire debate and the entire controversy has been raised in retrospect on the hind sight. Assuming for a moment that after the deal, if the prices in the international market were to rise consistently and if the supplies were to be effected from, time to time on the basis of the contracted price, then, perhaps, nobody would have found fault with the entire transaction because it would have been a case of notional profit.

But the situation has taken a different turn. Of course, between April and May the prices did not rise much higher than the contracted price. But because of the fall in prices at a later stage, now what is sought to be made out is that since this is a case of notional loss, therefore, all these allegations and accusations must follow. But in my submission this will be a wholly wrong approach. What has to be viewed, which is the central point in this case is whether there were circumstances justifying the conclusion of the deal as it has been effected. If there were circumstances and if we are reasonably satisfied that the circumstances existed, then in my submission issues like what happened to the file, where it has gone, how it was found—assuming that their arguments are correct that the file has been made scarce for some time—all these issues pale into insignificance. While I will make my submissions on the question of the file itself separately, the central point that has to be looked into is whether the circumstances at that time warranted a decision of his nature. Why I have to say this, Mr-Deputy Chairman, is that in the polity of the nation run under a parliamentary democracy, where people's control is there through Parliament, necessarily some decisions have to be taken, otherwise there is a danger, in my submission, to this polity itself because nobody will take any bold decision even if the circumstances would warrant. Now merely because on hindsight we find that there are notional losses, I would submit that one cannot straightway jump to the conclusion

[Shri P. Shiv Shankar]

of a suspicion of corruption as it has been sought to be made out by various hon. Members on the other side. I have been demanded some details. I will make my submission on that aspect later on. But I would like to rely on one paragraph of the COPU's report, paragraph 93. I will also make my submission as to why I am reading it after I read it. This paragraph on page 26 reads:

"The contracts for crude purchases provide for price escalation during the term of the contract. Normally any price increase can be only pres-pective but the Committee have found that in the case of certain purchases from Petromin of Saudi Arabia retrospective price revisions were made in 1979 which resulted in additional payments of US \$ 15.8 millions.

The precise legal position did not appear to have been examined. Even if the payment was inevitable the Committee feel that the prior approval of the Empowered Committee .....

SHRI ARVIND GANESH KULKAR-NT:  
After that read page 23.

SHRI P. SHIV SHANKAR: My only request to you is, kindly give me an opportunity to explain. (*Interruptions*)

"Even if the payment was inevitable, the Committee feel that the prior approval of the Empowered Committee or at least of the Board of the IOC should have been obtained before the payment was made. The Committee hope that in future this precaution will be taken."

The purpose of my reading this is. Merely because this decision was taken in 1979 at a time when we were not in power, and retrospectively 15.8 million dollars were paid, have I to

jump to the conclusion that this is a case of suspected corruption? There are observations in the report that the empowered committee has been bypassed, that the IOC has been bypassed. Legal opinion has also not been taken. The point is we have to go deeper into the question as to what were the circumstances at the time when this decision was taken. Why I am putting forth this point before the Honourable House is only to make the position clear, that merely because a decision has been taken, you cannot jump to the conclusion of corruption as it has been sought to be made out. Let us see the circumstances, it is for that purpose that I have relied upon this paragraph, not for any other purpose. I have given my Statement. Apart from whatever has been said—I would not like to comment on everything because I know that I have got to

complete in the shortest possible time—only at page 2 of the statement the particular paragraph has *come in* for a comment in some portions. One of the honourable Members was of the view that I was contradicting myself in two sentences namely, the first sentence where I said: "-----at that point of time and apprehended that in variable price quotations based on escalation clauses on various types of formulae, the overwhelming factor was that our liability would be indeterminate." And then the later sentence after a few lines where I said: "When the prices had hit the bottom and were on the climb, it was considered that it would be prudent to strike the bargain at the lowest possible firm price without any variation." What was sought to be made out was that there is a variance in my expression in the two sentences. Unfortunately the honourable Member who raised this issue, perhaps was not in a position to read the things in the proper perspective. What I had said was that in the first sentence my predecessor was taking the view condemning the concept of the variable prices on the basis of the various types of the formulae, he was not happy with the variable price concept, and later immediately he said.

"Therefore, I would proceed that having regard to the circumstances when the prices have hit the bottom, the best way of dealing with the matter would be to enter into the contract on the fixed price basis." I don't see any contradiction in between the two concepts. In fact, the two sentences are supplementary and complementary to each other, because he (my predecessor) is not appreciating the concept of the variable prices, but adumbrating the theory and advocating the concept of the fixed price. Therefore, in my submission if it is read properly there does not appear to be any difference at all. Then, on the other hand, an honourable Member very pertinently raised an issue why I was mentioning the FOB Mediterranean prices. He questioned as to why is it that I have mentioned these FOB Mediterranean prices when the Kuo Company is from Hong Kong and what was relevant was the Singapore prices, I was aware of this. In fact, I wanted to be absolutely clear. Certain perceptions have to be understood, namely....

When the contract is awarded, it is not necessary that the party would supply only from a particular place. It supplies from different places. The four major oil markets are Singapore, AGPC, the Mediterranean and Rotterdam. I have quoted a price because it should not be said later: "Look, you have quoted the price of a place where it is higher". So, I have quoted the price of a place where it is the lowest. I have said that the FOB price on 1-2-1980 in the Mediterranean market was \$ 299 per tonne. Some of the hon. Members have given the figures and I may submit that on that date, round about that time, I have got the figure as on 30-1-1980, but not as on 1-2-1980. On 30-1-1980 the spot price at Singapore was \$ 369.47. This is the FOB price and if the C&F price is to be taken into account one has to add \$ 18 or \$ 19 dollars more. In the AGPC, that is Gulf, the price was \$371.05. Why I quoted this particular figure was that this was the lowest. I never wanted to be accused by the other 883 RS—13

side. "In order to take advantage of the situation, you have quoted the higher price in the market; you have not quoted the lowest price". I should make that position clear.

One aspect which has been very much criticised is as to what had appeared in the Financial Express and also in the Economic Times. Allegations have been made that these are planted news. Since this allegation has been made to be fair to the other side, I would like to eschew that part of the argument wholly. If I eschew that part of the argument what follows is that I have furnished various circumstances in different paragraphs, and none of those circumstances which I have pleaded in respect of the justification of the deal has been questioned at all. To the extent they have been questioned, I have answered. Would they not agree with the background, the deteriorating situation of the oil market in the entire international arena at that time? The position was very acute. There is no doubt about it. As a result of the Assam agitation the entire oil production in that region of the country had come to a stop and particularly all the refineries in the eastern region had totally come to a close. Very little crude was available from Bombay High to these refineries.

Apart from that, because of the circumstances mainly in the international market when the oil position was becoming acute—Saudi Arabia, had declared a cut back in their production. In this background and because of urgent for crude and all the middle distillates, the world market conditions had to be studied. And what was the world market condition?

What has been said is: "Look. Why have you relied on the Financial Express?". As I have said I have used it as one of the arguments and I am not going to refer to it.

SHRI RAMAKRISHNAN HEGDE:  
Because you were caught.

SHRI P. SHIV SHANKAR: I do not accept that, Mr. Hegde. Because you

[Shri P. Shiv Shankar]

have said it, I thought that when something is said by an honourable Member, I should react to it. So far as I am concerned, I am not prepared to accept the charge; it has to be proved. Merely because you chose to allege "I must accept it and it should be deemed to have been accepted by me," if that is the principle, then perhaps what all you have said must be deemed to be accepted. That is not correct.

SHRI RAMAKRISHNAN HEDGE: You referred to the "Financial Express" and the "Economic Times", but not to the "Hindustan Times".

SHRI P. SHIV SHANKAR: Actually, whatever I have been able to lay my hands on, I have quoted. If you cannot believe me, I leave it at that.

SHRI RAMAKRISHNAN HEDGE: I don't suspect.

SHRI P. SHIV SHANKAR: Some-times^ when persons are committed, it is very difficult to convince them. I came across these two documents and I thought I should rely on them. Some of the Members have made certain serious allegations and I felt that I should not press them too hard and if in certain circumstances I press too hard, I may not be able to make my point. What I am trying to say is that in the international arena, it was a sellers' market and I may tell you that this was the view of the officials of the Ministry also and I must be fair to the officials: they had also put up both the sides of the case. When Mr. Sethi, on the 15th—I think it has been read out from the COPU Report—took a decision to observe firstly to "Why not we go in for a fixed-price long-term contract?", and secondly, We must ask for the performance guarantee from the parties.", a very well-prepared note was put up to the Minister arguing both the cases and it was said that this is a sellers' market and if it is a sellers' market, it is impossible for you to go in for a fixed-price long-term contract and if you

would like to go in for that, people will quote very high prices and nobody would be agreeable for the purpose of the performance guarantee at all. But then the approach that they had taken was: "Look, if we go ahead with the contract on the basis of the escalation and de-escalation clauses that will be the safest course in the sense that you would not be speculative at all and nobody would suspect the deal itself notwithstanding the fact that one might pay more because of the prices rising in the market." The Government of the day has necessarily to take the decisions in order to enter into term contracts having regard to the exigencies of the time and every government does it. It is not merely our Government, but every Government does it and every Government has been doing it in the past. Now, it is a question of commercial judgment and prudence. One has to only view the circumstances, whether, in the circumstances, this judgment could have been taken or not. It is absolutely so. It has been happening from 1947; it has happened before 1947. Some objection was taken as to why I referred to 1977-1979. I wanted to remind them, remind those, who were taking decisions, who were in the Government, that in their time also it has happened. Now, many of the honourable Members have asked me to give the details. Well, it will be very unfair for me to give the details. I have quoted this one instance from the COPU Report itself. But I would not like to quote details of other matters because there are matters of administrative exigency in which the Department advances and the Minister takes a decision. But then the point is: these are all decisions by the politicians and the best way the politicians meet their fate is through the electorate because the political judgments have to be necessarily rendered by their masters, the electorate. I have personally taken this view and in fact, the moment I became the Minister initially, I had very categorically stated that this Government would not go and, in fact, I persuaded my colleagues to agree with



my view not to establish the commissions.

This was for the simple reason that many decisions a politician has to take. But every decision you cannot attribute as though it is a case of *mala fides*. What happens is this. If one is to review what has been happening since 1947, then the administration cannot go on; there will be demoralisation of the entire administration. It is difficult for me to oblige. But the fact remains that the Government of the day has necessarily to take decisions. In this case, as I said, the international situation being what it was and the Saudi Arabian decision to cut back the production was on one side, and one of the very great authorities on the oil economics, which is the Petroleum Economics Limited, who published its own documents from time to time, they had to say this, from which I quote only one sentence,...

SHRI N. K. P. SALVE: Which period is it?

SHRI P. SHIV SHANKAR: This is for the period January-February 1980. I am only reading the relevant part. After discussing the whole concept about the petroleum product prices they end up by saying:

"Thus by mid-February there was some evidence that the 'all in spot prices was ending.'"

So their concept was that the fall was ending and it would climb. That was the forecast that had come up. Now, in the background of this forecast and the factors narrated, Mr. Sethi was confronted to take a decision and, as I was referring, so far as the officials were concerned they did tell him: Sir, this fixed price long-term contract is a dangerous concept because upposing the prices fell then we will be suffering and if the prices go up we will certainly be gaining. But, then, this is a question of judgment. They wanted to take a safe course, whether to have escalation and de-escalation clause and leave it at that so that if the prices rise, we can project to the

world that we have taken a safe course. It is undoubtedly a question of judgment ....

SHRI J. K. JAIN: Who is the publisher of this?

SHRI P. SHIV SHANKAR: This is from London.

SHRI J. K. JAIN: Not the Birlas or the Goenkas. (*Interruptions*),

SHRI RAMAKRISHNA HEGDE: But that was not quoted, Mr. Jain.

SHRI J. K. JAIN: I must have a clear information Mr. Hegde. Don't try to monopolise everything.

SHRI RAMAKRISHNA HEGDE: I do not believe in that.

SHRI P. SHIV SHANKAR: I have written—it is not as though I am just now quoting it—I have written in my statement itself:

"Interestingly at that time a leading group of international petroleum economists reported the continued upward movement of price indicators in view of the remaining uncertainties over future levels of supplies and also that by mid February there was some evidence that the fall in spot prices was ending," and so on.

This is page 3. These were the circumstances. I was trying to dilate on the question of officials' approach. They also said and have admitted that it was the sellers' market. There was scarcity. I have my own notes. But I would not like to refer to them because if I refer to them it will take a little time. They said that in the sellers' market you cannot dictate terms. This would be a wrong approach. They would not agree to the fixed price long-term contract because it was possible that the sellers' market might go further acute. Apart from that, the other fear was that you were asking for a performance guarantee. Who will give it when this was sellers' market? Why should they give it? These were the perceptions which the authorities also put. Their

[Shri P. Shiv Shankar]

approach was very clear. The official approach would be to advise to caution, to warn the Minister. They put both sides. They said: In our view it would be better if we go by the escalation and de-escalation clause, you will not have any risk, in the sense that even if the prices rise and if you pay, nobody would be able to raise a little finger.

It is, therefore a question of judgment and Mr. Sethi took in decision. I must frankly confess that if I were there, I would not have been able to take this decision. Those who know these types of commercial transaction and whose background is that of commercial transaction can do it. My background has never been so. As a Law Minister, I did take difficult decisions because I had the background of law. He took difficult decision. Now, if you would like to impute corruption to him on the basis of this decision, I am only sorry for that. Apart from what

I have stated in the document itself, there are various grounds and it will not be fair for me to repeat them here. He has gone on the basis of certain perceptions. On the basis of those perceptions, he did come to the conclusion that these perceptions have to be taken note of. For example in January 1980 there was an increase of

2 dollars per barrel of crude. A further increase of 4 dollars per barrel took place thereafter and the forecasts in January were that there was going to be further increase of price of per barrel of crude. In fact, between January and November, another increase of four dollars was there. This was one of the perceptions which weighed with him. So far as the Piatt's Oil-gram is concerned, I would like to give you figures. Actually, right from 12-2-1980, I studied the prices of different companies which Piatt's Oilgram has mentioned and I must say that different companies were raising the prices per gallon of H.S.D. If I go on reading, it will take a little time for me. But then this is the fact. I have got the figure of 11th February, 12th Feb-

ruary, 14th February and 15th February." I just collected these figures so that if necessary I could read them. At that time the position was that a deal was struck with the Kuwait National Oil Company on 6th February, it was on the basis of escalation and de-escalation clause. This Kuo deal was struck about a fortnight thereafter. Notwithstanding the fact that that deal was struck earlier, if one has to compare the prices and if you take into consideration the price that had been paid to KUO Oil, we have suffered a loss of 3 odd million dollars on the Kuwait contract. I have already said— of course, Mr. Piloo Mody in his irrepressible style had an answer—that during this period of contract, we had purchased 5,20,000 tonnes of H.S.D. and we did pay more money than the price that had been paid to KUO Oil. Or course, my hon. friend has said that what is the guarantee that here also < money has not been made. I must bring to his notice that these are the cases where the whole Empowered committee has gone into and their decision was the final decision. If you would like to attribute that the entire team of officials have made it, I have no answer. I have alluded to this because in this case the Minister has decided and, therefore, this allegation has come up. But on the question of 5,20,000 tonnes where we had to pay stupendous amount, more amount than what has been paid to KUO Oil, we had a tremendous national loss. I would leave it to the House to judge whether the entire Department is corrupt. If that is the allegation which is sought to be made, I would not like to answer it. (*Interruptions*).

An insinuation has been made that how could it be said that this deal of 5.20 lakh tonnes was free. That is why I am saying all this, otherwise, I would not have uttered a word. These are the deals where I am saying that we had to pay more and there could be a case of a national loss. Here is a deal which has been struck on the basis of certain circumstances. Now, Sir, it

is in this background that while I would not like to go into the details I would like to make certain submission with reference to the question that have been raised.

One of the hon. Members has asked, as to why the middleman was brought in? The answer is, one could find it on page 13 of the COPUs report itself where it has been said that this was the practice of the foreign companies appointing the agents for the purposes of looking after their matters. This practice has been totally stopped from 1982, middle part of 1982. This practice was continuing up to that date and a large number of companies had their own agents who were working for the suppliers. One of the hon. Members asked, whether there was a discussion before the policy decision was taken. The COPUs report itself says that certain officials were called to the discussion which had taken place and the Minister himself had taken the decision. There is yet another objection which has been raised, namely, why is it that the Minister has not chosen to refer it to the Prime Minister as his successor has done. I must submit that according to the Business Rules that have been framed by the President under article 77, the Minister is competent to take the decision. The successor Minister when he perhaps wanted to differ with his predecessor thought it fit why should he take a different view altogether, why not refer it to a higher authority? In fact it remains that he makes a mention in his note. He makes an observation that the Finance Ministry was objecting to the perceptions that were adopted by the Petroleum Ministry in this regard, and that he wanted to seek the direction or the guidance of the Finance Minister, but since the Finance Minister was abroad and as he required the decision early, therefore, he was referring it to the Prime Minister.

I will explain as to why for about one year Mr. Veerendra Patil kept quiet. That issue I will deal with later on, when I have to explain about

the file itself. This is how, it is within the province of the Minister to take a decision and the decision has been taken. In my submission it is only persons who know the commercial transactions are persons who have courage and can take difficult decisions. It is the status-quoist who cannot take decisions of this type at all. SHRI RAMAKRISHNA HEGDE: Shri Veerendra Patil lacked this courage,

SHRI P. SHIV SHANKAR: His lack of courage seems to be because of his association with you some time back.

SHRI RAMAKRISHNA HEGDE: He never lacked it at that time. He suddenly seems to have lost it now.

SHRI J. K. JAIN: Please sit down.

SHRI P. SHIV SHANKAR: Sir, I am sorry, I have hurt you. It is just in a lighter vein that I have said this. Sir, the point is that when it comes to the question of a person taking a safe course, he normally has to follow what the officers decide to put up in which case everything is goody-goody. But then there I feel that it is not a case of public accountability nor it is a case of accountability to Parliament within the meaning of Article 75 of the Constitution. The Cabinet concept of the Government has to be responsible to Parliament, to public representatives. This whole concept is because there should be in democracy a public control over the administrative apparatus. If the Minister is not to take the decision and if he has to toe the line of officials and if it is such type of Ministers about whom my hon. friends on the other side have respect notwithstanding day in and day out their telling us from that side that we are only playing in the hands of the officials, it is a matter for them to decide. I would not like to go into this question further.

Sir, I have only tried to meet the point that has been raised. An hon.

[Shri P. Shiv Shankar]

Member said as to why is it that this policy was not pursued later. I have Spoken on this aspect yesterday in the other House and I will explain it again. It So transpired that after Mr. Veeren-dra Patii had marked this file to the Prime Minister and after 2 or 3 days thereafter the Finance Minister returned and they had a discussion between themselves and the Finance Minister took the view that we must proceed on the basis of escalation and de-escalation clause and it was because of this that in no other case a decision was taken on the basis of the fixed price contract though such types of decisions were taken earlier. In fact, on page 25 of copy report itself, one of the hon. Members read out that there are instances where the fixed price long-term contracts have been entered into.

SHRI BUDDHA PRIYA MAURYA: 1977, 78, 79.

SHRI . RAMAKRISHNA HEGD That was on Government-to-Government basis.

SHRI P. SHIV SHANKAR; I will check up, but my information is that there are one or two cases; anyway; I will check up.

SHRI PILOO MODY: Anyway, does not matter now.

SHRI P. SHIV SHANKAR: Kuwait National Company also on Government to Government basis; Petromena was also Government to Government basis where such higher money had been paid and if it is to be alleged that there also some pay-offs are there, that is a matter I leave to you to judge.

SHRI ARVIND GANESH KULKARNI: Not Kuo Oil.

SHRI P. SHIV SHANKAR; So, this is the position.

So far as the deal itself is concerned, some of the hon. Members have put a

question as to what were the prices on that day? I have got the prices at Singapore on that day. The price was f 351.16 per tonne and in AG/PG, the price was \$ 373.26 per tonne. So, while the Singapore price was less by about ? 2. the prices AG/PG were higher by about \$ 20.

SHRI R. R. MORARKA: Is it regular posting or spot posting?

SHRI P. SHIV SHANKAR: Spot posting. If you want to go into the regular posting, the observations in para 83 of copy report would show that they were rising.

SHRI R. R. MORARKA: Regular postings are given by private companies concerned and they give prices whatever they like.

SHRI P. SHIV SHANKAR; That is what I have given. I have given the spot prices, I am not relying on the other. I am relying on the spot prices. I have quoted only those prices.

I am coming to the other aspect, on which some questions had been asked. This is in regard to the file. I am not answering them now. I will answer them at a later stage after I make the submission with regard to the file. In regard to the file, one aspect has to be borne in mind because this seems to be a very strong circumstance. This is a circumstance on which, very strongly, the other side has relied upon. I would like to put a question to myself as well as to my hon. friends. Assuming I agree with your argument—I will go that far; I will go beyond what you have said—that the file has been deliberately called in the Prime Minister's office, assuming I agree with your argument, what is the intention behind it? Why are you making a mountain of a molehill? What is the motive behind it? If the intention behind it had been that this file should be kept away from scrutiny, then, why at all COPU should

be informed, on the 5th April that the file is available? There is nothing to laugh, Mr. Morarka. Mr. Mora you were there. I know what happened. I will tell you. I will tell you for your information that at no point of time, COPU ever asked for the file. At no point of time, before 5th April also. It was only on the 24th March, when my Secretary appeared the Committee—a questionnaire was sent earlier—he said that in regard to one or two questions, he would require to look into the file.

SHRI R. R. MORARKA: NO. This was not correct. This is not correct.

SHRI P. SHIV SHANKAR: I will believe my Secretary more than you in this matter.

SHRI R. R. MORARKA: What is the use of saying?

SHRI P. SHIV SHANKAR: I will certainly say that. You never asked, at no point of time,....

SHRI R. R. MORARKA: That is all-right.

SHRI P. SHIV SHANKAR: This is what I am saying. Therefore, you can not make this point about the IUE.

SHRI R. R. MORARKA: What you are saying is not correct. I was a Member of the Committee.

SHRI P. SHIV SHANKAR: I know. That is why.....

SHRI R. R. MORARKA: Mr. Member, you must cultivate the habit of listening also.

SHRI P. SHIV SHANKAR: I am.

SHRI R. R. MORARKA: I did not want, to take any part in the debate. Since you have mentioned the facts about the Committee, I am obliged to tell you that our Members did make a request after the 5th, when the information was given to the Secretariat. On the 7th, a Member made a request.

• SHRI P. SHIV SHANKAR: That is a different issue. I am not concerned with what happened afterwards. So far as my Ministry is concerned, I am saying, on the 5th, we informed.

SHRI R. R. MORARKA: He informed on the 5th. At the earliest opportunity, we wanted the file.

SHRI P. SHIV SHANKAR: What happened between you and the Chairman, I am not entering into that discussion. I am not concerned with... I am submitting....

SHRI ARVIND GANESH KULKARNI: The audit department was asking for the file and your officers said that the file was not there.

SHRI P. SHIV SHANKAR: Mr. Kulkarni, I am talking about COPU. At no point of time, up to 5th April, COPU asked for the file. This is the statement I am making.

SHRI R. R. MORARKA: But there was no occasion.

SHRI P. SHIV SHANKAR: Whatever it may be, Mr. Morarka....

SHRI R. R. MORARKA: We wanted the Government to give a note.

SHRI P. SHIV SHANKAR: I am not accusing. (*Interruptions*).

MR. DEPUTY CHAIRMAN: Let him complete.

SHRI LAL K. ADVANI: Sir an impression is sought to be given to this House that whatever else the Committee was concerned with, it was not concerned with the file. We were initially not concerned with the file because we were concerned only with the facts. It is only when the facts were not forthcoming, on the ground that the file is not available that we wanted to know what had happened to the file. We were concerned with the facts.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: This only shows that the file was irrelevant.

SHRI LAL K. ADVANI: On the 2nd, we came to know for the first time that the file is missing. It is only after that the matter has been pursued.

SHRI R. R. MORARKA: Mr. Deputy Chairman, Sir, the Secretary wrote to us 'I cannot answer question number 16, because the file is not available, I cannot lay my hands on the file.' This is what he said.

MR. DEPUTY CHAIRMAN: What you are saying is the same thing. Please hear him.

SHRI P. SHIV SHANKAR: I thought I was "properly understood by the hon. Member who was in the Committee that by 5th April COPU never asked for the file. I am on that point, I am precisely weighing my words.

SHRI R. R. MORARKA: It was not available.

SHRI P. SHIV SHANKAR: The point is, I was trying to develop the argument and I request the hon. Members to listen to me. If it was a question of avoiding—that is what I was trying to say—the file being scrutinised, what I am trying to submit is that COPU did not call for the file till 5th April, 1982. Therefore \_\_\_\_\_

श्री अरविन्द गणेश कुलकर्णी : वह  
ऑडिट की बात..... (व्यवधान)

SHRI P. SHIV SHANKAR:  
वह कोपू से संबंधित नहीं है। मैं अभी  
ऑडिट पर भी आता हूँ।

Sir, it is there where I am trying to submit that so far as the scrutiny < with COPU is concerned, what is the purpose of hiding this file, if we have produced it on 5th and we have informed them the file is available?

SHRI ARVIND GANESH KULKAR-NI:  
Time killing.

SHRI P. SHIV SHANKAR: From the facts and circumstances that I have narrated what is the conclusion that

you would like to draw? I would like to ask you today. Today I am asking. These are the facts. Would you like to say, what the deductions are, what are the conclusions on the basis of the (file being not available for sometime? For the sake of argument, I am admitting that the file has been deliberately called for and kept for one year and for a few months. What is the conclusion that you would like to draw today? Nobody has observed anything about it

SHRI ERA SEZHIYAN: We would have liked to go through the contents of the file.

SHRI P. SHIV SHANKAR: On 5th it was produced. Then you could have asked for the contents.

SHRI ERA SEZHIYAN: Was it produced to the Committee on 5th?

SHRI P. SHIV SHANKAR: On 5th the information was given, to the COPU that the file is available. (Interruptions).

Mr Morarka, may I also submit further that after 5th COPU never asked us to produce the file-? I make "a categorical statement that either before 5th or after 5th, at no time COPU called for the file.

SHRI ARVIND GANESH KULKAR-NI:  
Would you mind if I say something? (Interruptions). He has asked us and asked we to swallow? Sir, I want to ask the Minister^ supposing for argument sake we take it that what he says is correct, many speakers on this side have mentioned about commercial audit and....

MR. DEPUTY CHAIRMAN: He has replied to that part.

SHRI ARVIND GANESH KULKAR-NI:  
He has asked us a question. Our point is, if the file was missing, why was it missing? The reason can be very simple that the contract was awarded to Hindustan Monark to make money and the file was allowed to remain in the dark so that nobody could

go into it. There is nothing else, but this thing. What else can be there?

MR. DEPUTY CHAIRMAN: You have already spoken so much. So, why repeat?

SHRI KALP NATH RAI: Let the Minister reply.

SHRI P. SHIV SHANKAR: I am not in the habit of talking irresponsibly. The point that I was making was that if COPU were to call for the file and we had withheld it, then a charge could be levelled that we wanted to withhold the file from scrutiny of COPU. The submission that I was trying to make was, what is the ultimate conclusion that you would like to draw even today on the basis of these facts? At worst, you will say that this file was negligently handed. I am saying this. COPU says in the last but one sentence, "However, it is clear that the subsequent events prove that it was not prudent to have gone in for the purchases." In fact, that is exactly what I started with when I said that the entire debate proceeds on the hindsight, and because of the subsequent circumstances, COPU also says that this purchase should not have been effected. You could have only said this much.

Why I am trying to say a little on the question of the file itself is because a lot of stories are sought to be manufactured upon these facts, that is why I am asking that even today you are without any answer on this question; you cannot say anything. What is the suspicion that you ultimately raise? The file has been found out. The COPU has been informed. Therefore, what I submit is that having regard to these facts, the file was genuinely misplaced and therefore it was not recovered and I have myself said that we are sorry about it because it should not have happened. Some hon. Members have rightly said: "Look, it is the Prime Minister's office. Should it happen like this?" It is my concern also. But it has happened. Errors

do occur and it is only the human being who errs. But then out of this you cannot build up a case. That is what I am submitting.

It is in this background. Sir, that though some points have been raised with reference to the file, I do think that I should answer them in details. One aspect which I want to touch is that so far as Mr. Vierendda Patil is concerned, I have talked to his Private Secretary and I myself questioned and I was told that this man was brought from Karnataka on the 7th of March, he did not know the procedure. It is possible. Somebody may laugh at it.

SHRI RAMAKRISHNA HEGDE: He was Special Assistant to Chief Ministers for 10 years—one chief Minister after another. He was Private Secretary to Mr. Nijalongapa, to Mr. Jatti, to Mr. Veerendra Patil,

SHRI P. SHIV SHANKAR: Notwithstanding that, the position stands that he did not diarise when he is said to have passed on the file....

AN HON. MEMBER: Nor did the SA to the Prime Minister?

SHRI RAMAKRISHNA HEGDE: May I ask one question? What is the normal procedure of sending the file? Unless the file is called for specially, in which case the Special Assistant to the Minister might take it personally to the Special Assistant to the Prime Minister, otherwise in the normal case there is a regular noting of the movement of the file.

MR. DEPUTY CHAIRMAN: He is replying to that question. He has not completed it.

SHRI PILOO MODY: Human error.

SHRI P. SHIV SHANKAR: I have gone to the extent of saying and I have explained \_\_\_\_ (Interruptions). It is impossible for me to convince them, but I can only explain matters on a reasonable basis. If they shut down their minds and refuse reception to

[Shri P. Shiv Shankar]

rationality, I leave it there. I have said that nothing can be read in the entire conduct about the missing file. I have said that even today yet are not in a position to make a case. What is the conclusion you would like to draw, I ask you? It is a case of clear perception to alternative mind that it is a case of genuine misplacement. That is the background.

One aspect has been mentioned. It is true, if the file is marked to the Prime Minister, the Private Secretary has diarise it and send it. If it goes to the Special Assistant, I have explained the procedure, he sends it to the Prime Minister's Secretariat where the note is prepared and it is put up to the Prime Minister. It is rather unfortunate that the file was not diarised when it was despatched and the Special Assistant mislaid it. It might be a comment on the functioning of these officers—I am not denying that. But then, what is the conclusion that one would like to draw out of this?

SHRI PILOO MODY: You are asking us to answer it?

SHRI P. SHIV SHANKAR: To my mind, you can answer in a humorous

way, which will not be an answer, Mr Piloo Mody.

SHRI PILOO MODY: Why do you ask this question so many times?

SHRI P. SHIV SHANKAR: The point that I am trying to say is, the entire debate reminds me....

SHRI M. KALYANASUNDARAM: Was it investigated and responsibility fixed on the Special Assistant who is responsible for it?

SHRI P. SHIV SHANKAR: That I cannot give out. Explanation has definitely been asked. I cannot give the details of it.

But the fact remains that this entire debate, to my mind, reminds me of that notorious search a search in a dark night, in a dark room, for a black cat which did not exist. It is with these words I conclude my speech, Sir.

**श्री उपसभापति : सदन की कार्यवाही  
कल ग्यारह बजे तक स्थगित की जाती है।**

The House then adjourned at forty-one minutes past eight of the clock till eleven of the clock on Friday, the 30th July, 1982.