

**REPORT OF THE DEPARTMENT RELATED PARLIAMENTARY
STANDING COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES,
LAW AND JUSTICE**

SHRI E.M. SUDARSANA NATCHIAPPAN (Tamil Nadu): Sir, I present the Thirteenth Report (in English and Hindi) of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice on the Prevention of Child Marriage Bill, 2004.

MR. CHAIRMAN: Shri Arun Jaitley to move the motion.

MOTION

Condemnation of alleged involvement of Indian entities and individuals as non-contractual beneficiaries of United Nations' Oil-for-Food-Programme in Iraq as reported by Volcker Committee

SHRI ARUN JAITLEY (Gujarat): Mr. Chairman, Sir, let me first express my gratitude to you for permitting me to move this Motion under rule 167. The Motion I move reads:

"That this House strongly condemns the alleged involvement of some Indian entities and individuals as non-contractual beneficiaries of the United Nations' Oil-for-Food-Programme in Iraq, as reported in the Report of the United Nations' Independent Inquiry Committee (Volcker Committee)."

Sir, in the past few weeks, we have had from the Government at the highest level and from the political parties whose alliance and coalition is in power certain responses to what has been stated in the Independent Inquiry Committee's Report. Let us remember, and this needs to be underlined, that this Report is no ordinary document. This Report has not only domestic significance, as far as India is concerned, this Report is a document of high international credibility. And amongst others, this Report has mentioned, at least, two prominent Indian entities along with a third one, then, there are several other companies, and what has disturbed the country the most is a reference to a political party which has been in power in India for the longest duration of time as also a very hon. Member of this House, who at the time when this Report was prepared was India's Foreign Minister and our country's principal spokesman on Foreign Policy issues.

Sir, let me remind this House that when this UPA Government was voted to power, it had promised a corruption-free administration. The

Prime Minister, as we take him for his words, had repeatedly said that there would be a zero-tolerance level, as far as corruption is concerned. Unfortunately, this Government opened its innings, and its very first stroke was the induction of tainted in the Union Cabinet. We were all enthused when our present Prime Minister and India's Finance Minister years ago had shed apart all technicalities and said in his own party's conference that Caesar's wife must be above suspicion. So, those who sit in high places must not be those against whom accusing fingers can be pointed out. While we were very enthused with the statement of his given in the mind-nineties at the Congress Party's Conference, we were certainly disappointed, as the entire nation was, when he somersaulted his stand and said, 'merely because you have a serious case against you is no ground to presume anything against you. There is a presumption of innocence till you are proved guilty'. Sir, in the last eighteen months of this Government, you not only had tainted Ministers occupying high offices, you had absconding Ministers, you had jailed Ministers... *(Interruptions)*

SHRI V. NARAYANASAMY (Pondicherry): NDA too had tainted Ministers... *(Interruptions)*

MR. CHAIRMAN: Do not disturb, Mr. Narayanasamy, please sit down. *(Interruptions)*

Please sit down. *(Interruptions)*

SHRI ARUN JAITLEY: Sir, I repeat that in the last eighteen months, you had a Government of tainted Ministers with serious criminal cases against them inducted into the Union Cabinet; you had Ministers who are absconding, you had Ministers who had to go to jail. And now you have the case of a Minister who is India's principal spokesman on its foreign policy, indicted before the whole world as having been a recipient of commercial benefits allegedly in consideration for a political stand he was taking prior to becoming a Minister in that office.

Sir, I am not referring to subversion of various institutions which has taken place, which probably in this Session we will get a separate opportunity to do that, but the common thread which is a serious matter of concern on various issues which has been arising, which is really the core of this debate, is that in consideration of political stances we take in domestic polity or stances that we take as far as international issues are

concerned, what is the influence of foreign entities on India's political entities. Unfortunately, this is not the first occasion that a charge has been made. This charge has been made almost contemporaneously in publications which have recently come out.

Even earlier, and let me, Sir, through you, remind this House that when Mr. Moyhnan wrote his book with regard to the influence of CIA on Indian politics, shedding apart all technicalities, this House took up the issue and discussed seriously what was contained in the book, A dangerous place. When Mr. Seymour Harsh made allegations against one of India's principal politicians and a former Prime Minister, an allegation which everybody disbelieved... (*Interruptions*)

श्री राजू परमार (गुजरात) : आप किताब की बात कर रहे हैं तो इसके बारे में भी बोलिए, इसमें आडवाणी जी के बारे में क्या लिखा है ... (व्यवधान)...

श्री सभापति : आप इन्हें बोलने दीजिए ... (व्यवधान)... मेरी बात सुनिए ... (व्यवधान)... माननीय सदस्य एक बात सुन लीजिए... (व्यवधान)... आप बैठिए तो सही, बैठ जाइए ... (व्यवधान)... यह नहीं चलेगा ... (व्यवधान)... इन्होंने एक किताब का रेफरेंस दिया, यह सही है... (व्यवधान)... एक मिनट, बैठ जाइए, ... (व्यवधान)... उस किताब के संदर्भ में इस हाउस में चर्चा हो चुकी है। कोई भी अगर आपत्तिजनक बात हो, तो आपकी तरफ से जो बोलेंगे, वे इसका जवाब दे देंगे... (व्यवधान)...

SHRI JANARDHANA POOJARY (Karnataka): Sir, I am on a point of order. (*Interruptions*)

श्री सभापति : अगर मेरी इजाजत के बगैर तो रिकार्ड नहीं होगा ... (व्यवधान)... आप कितनी ही किताबों का रेफरेंस दें, मुझे कोई आपत्ति नहीं है। आप जिस समय रेफरेंस दें, किसी context में दें, तो मुझसे permission लेकर दें। रूल्स बने हुए हैं, रूल्स के अंतर्गत आप मोशन मूव कर सकते हैं, हाउस उसको अगर ऐडमिट करता है तो आप बोल सकते हैं। एक माननीय सदस्य बोल रहे हैं और उसमें कोई आपत्तिजनक बात नहीं है। किसी किताब के रेफरेंस में उन्होंने वह बात कही है, वही किताब पहले डिस्कस हो चुकी है, इसी हाउस में हो चुकी है, आगे उन्होंने कुछ कहा नहीं है, आप बीच में डिस्टर्ब कर रहे हैं ... (व्यवधान)... Please take your seat. Nothing will go on record ... (*Interruptions*) यह क्या तमाशा है, चेयरमैन खड़े हैं और आप बोल रहे हैं। रिकॉर्ड पर कुछ नहीं जाएगा ... (व्यवधान)... ऐसी स्थिति में मैं कहना चाहता हूँ कि आप बोलें... (व्यवधान)... Please take your seat... इसलिए मैं कहना चाहता हूँ कि

अगर कोई आपत्तिजनक बात ये कहें और आप उस पर आपत्ति उठाएं, तो मैं उसको देख लूंगा ...*(व्यवधान)*...

SHRI VAYALAR RAVI (Kerala): Sir, I am on a point of order. Under Rule 167 Sir, as you rightly said, it is a specific public matter. I don't want to read out all that. But here the hon. Member is referring to a discussion which took place in 1976. I am prepared to discuss on that. This book will reveal everything. I am prepared to discuss. But my point is this: what is the relevance of a 1976 discussion on this point? Sir, this is only on the Volcker Committee's report. Let the hon. Member confine to that. It will go against Rule 167. That is the point I am making. ...*(Interruptions)*

श्री सभापति : आप इनको भी बोलने दें ...*(व्यवधान)*..

SHRI VAYALAR RAVI: I obey your ruling. *(Interruptions)*

श्री सभापति : ठीक है, मैंने देख लिया ...*(व्यवधान)*...

SHRI VAYALAR RAVI: The very principle of discussing Rule 167 on a matter ...*(Interruptions)*... is going to be ...*(Interruptions)*...

श्री सभापति : 167 में इनको परमिशन दिया है। आप यह कहना चाहेंगे कि it is a very substantive issue, pertinent issue. ही कहना चाहेंगे न। लेकिन डिबेट की कोई लिमिट नहीं है। डिबेट में जो रेफरेंसेज आ रहे हैं, वे या तो अनपार्लियामेंटरी हों या किसी पर चार्ज लगा रहे हों, अगेंस्ट द रूल्स लगा रहे हों, तब जाकर कोई आपत्ति कर सकते हैं। अभी नहीं है। ...*(व्यवधान)*... कोई एलिगेशन नहीं है। ...*(व्यवधान)*... This will not go on record, आप एलिगेशन मत लगाए ...*(व्यवधान)*... ये एलिगेशन लगाएं तो आप कहें ...*(व्यवधान)*... चलिए, बोलिए ...*(व्यवधान)*... Please take your seat. Please take your हाँ मैं देख लूंगा, *(Interruptions)* Let him speak, आप बोलिए।

SHRI ARUN JAITLEY: My friends in the Treasury Benches need not get so excited about facts which I have still not referred to.

SHRI JANARDHANA POOJARY: You mentioned about the former Prime Minister.

श्रीमती सुषमा स्वराज (उत्तरांचल) : फॉर्मर प्राइम मिनिस्टर केवल इन्दिरा गांधी और राजीव गांधी नहीं थे, वे मोरारजी देसाई की बात कर रहे हैं। सुन तो लें, वे फॉर्मर प्राइम मिनिस्टर मोरारजी देसाई की बात कर रहे हैं। बिना सुने ...*(व्यवधान)*... आप समझते हैं, कि फॉर्मर प्राइम मिनिस्टर राजीव गांधी थे ...*(व्यवधान)*... सर, ये समझते हैं कि प्राइम मिनिस्टर केवल नेहरू-गांधी परिवार

के रहे हैं। फॉर्मर प्राइम मिनिस्टर और भी हुए हैं। अरुण जेटली जी फॉर्मर प्राइम मिनिस्टर मोरारजी देसाई को रेफर कर रहे हैं। सुन तो लें।

श्री सभापति : बोलिए।

SHRI ARUN JAITLEY: Sir, my learned friends need not assume that any cap fits them. So I have still not referred to the facts in detail. I have, yesterday, given to the hon. Chairman a notice with regard to a fact that I would be referring to one of the publications. When I come to that they will be free to take their objection, I will respond to it. All that I am saying is that this House under Rule 167 is discussing substantially one definite issue and that substantially one definite issue is the Volcker Committee Report where Indian political entities are alleged to have received economic benefits on account of the alleged stand which they took. The common threat to all these publications which have come, and this is not the first time that this House is discussing it, I have the proceedings that this House on 10th May 1979 discussed through a substantive motion disclosures made by Mr. Daniel Patrick Moynihan, former US Ambassador to India regarding alleged payment of US money for Indian election purposes in India. The other House on 26th August, 1983 on a motion raised by the Congress Party discussed the other publication "The Price of Power" by Seymore Hersh. Therefore, this is not the first time in India's Parliamentary history that publications which made a disclosure with regard to payments made to influence India's politics have been discussed in both Houses of Parliament. They have been discussed in both the Houses of Parliament. When I come to my substantive request to you with regard to the Mitrokhin Archives, I will deal with this issue. But all that I am saying at this moment now is, that you have the disclosures made with regard to CIA funding of India's politicians funding in Mr. Moynihan's book. You have now in the Mitrokhin Archives serious disclosures which are made. You have had allegations with regard to funding of various terrorist and insurgent organisations...

SHRI NILOTPAL BASU (West Bengal): Sir, I am on a point of order.

When we decided in the Business Advisory Committee meeting about this subject and when the question of Mitrokhin Archives came up, we had shown authentic documents to say that Mitrokhin Archives is a figment of

imagination of a gentleman and the reproduction, as has been established in the publication of the book itself, is not authenticated. So, to refer Mitrokhin Archives as something authentic publication in itself—today it is under the jurisdiction of Indian courts where certain facts by certain individuals have been challenged—is not correct. Therefore, a reference to Mitrokhin Archives, as authenticated document, on which the House can deliberate, is, I think, against the principles on which rules of business of this House have been constructed.

SHRI ARUN JAITLEY: Sir, when I come to the Mitrokhin Archives, I certainly, place what my contention before you has been. And, I have submitted that in writing also. But, for the moment, I am merely making a reference with the object that disclosures are now coming and the latest one being in a Report prepared with the UN really to investigate its own functioning and management of the Oil-for-Food Programme. And, this is a disclosure which cannot be taken lightly in this country. When we have to investigate the truth of this disclosure and take the follow up action, the entire country is concerned about the fact that we ask the right questions by proceeding in the right manner. It is our regret that this Government has deliberately chosen to proceed in the wrong manner so that it eventually draws blank as an answer and eventually comes out with a response that we found nothing to substantiate what Mr. Volcker has said. What is it exactly that Mr. Volker has said about India? You had a situation where sanctions were imposed against Iraq. But, obviously, the Iraqi people had to survive. I am not, for a moment, in this debate, going into the desirability of the sanctions or otherwise. But, it was a historical fact that they were imposed. Therefore, you had the Oil-for-Food Programme where Iraq is able to trade its oil on the UN pre-fixed price and in return what is humanitarially required for Iraq in terms of food, medicines and other things it is able to purchase. The crux of the allegation is that there has been a misdemeanour in the management of the Oil-for-Food Programme. And, this mismanagement, amongst other facts, included the then Iraq regime dishing out favours to individuals and political entities which have been named in the Report. The methodology was very simple. Oil coupons were issued in favour of certain beneficiaries. The Iraqi oil had a premium in the global market. And, therefore, allotment of a coupon to purchase a premium product had an element of profit in-built into it. Profit was therefore being distributed to the beneficiaries. It has been now stated, and there is

substantial evidence to back it up, that most of the beneficiaries who received the coupons, received it depending upon the degree of their support for the Iraqi cause and the degree of their opposition to the sanctions. Therefore, the crux of the allegation is that you were the beneficiaries named in the oil coupons and the beneficiaries who received coupons, depending on the political and the diplomatic stand that you took on the then issues which were confronting Iraq and which were of utmost concern to Iraq, its Government and its people. Now, we suddenly find, when the disclosures are made about Indian political entities amongst others who have been named in this, that these coupons were virtually tradable in the global market. Somebody had to go and pick up oil. You lift the oil and any commercial entity, which is involved in the oil trading business, lifted oil against such coupons. Whatever was the profit, it had to be shared between various people. The commercial entity, which would trade in oil, would certainly receive a part of the oil profit. It would have to share it with the beneficiaries who were the coupon-holders. And, through certain banking processes, the third shareholders in this profit had to be the persons by virtue of payment into certain banking systems in Jordan or elsewhere where the then Iraq administration would get the benefits back. So, the coupon-holders were the beneficiaries. The oil trading company which was used for lifting the oil was the beneficiary. And, then, a third part of the profit has gone back to Iraq via Jordan by depositing it in the accounts itself. Now, what do the Volcker documents indicate? I am only going to refer to three important pages with which we are concerned in this debate. And my question, after referring to this is: Is this not a matter which makes out a very, very strong *prima facie* case against people who are named and, therefore, a correct and a proper investigation in law must be carried out? And, I am very sure, —I have also gone through the hon. Finance Minister's statement in the Lok Sabha yesterday, —as to what kind of inquiry and investigation the Government has embarked upon.

Table II deals with oil sales summary of contracting companies. So, which are the companies that have traded in this oil? Table III deals with the non-contractual beneficiaries, and Table V deals with the surcharge payments.

Let us first deal with Table III, which is a summary of oil sales by non-contractual beneficiaries. A non-contractual beneficiary is a person who was not a party to the contract. He was not in the business of buying or

selling oil but, certainly, he was involved in some greasy transactions. Why should a person who is neither buying oil not selling oil; who merely takes a political or diplomatic stand become a non-contractual beneficiary in an oil transaction, and who are the entities which are named? I am presently concentrating on two pages. At page 25, of Table III, it shows: Beneficiary India, Congress Party, Country: India. The Party which has lifted the oil against the Congress Party's coupon is Masfield A.G. the quantum of oil is given, the phase in which this oil was lifted is given, the mission country which lifted the oil is given as Switzerland. And for my present purpose it is enough, Sir, the number of the contract of Congress Party is also given, M/10/57. Let us briefly remember it as contract number 57, that is, the Congress Party contract.

The second contract with which I am concerned is at page 50. Beneficiary: Mr. K. Natwar Singh, Country: India, Lifting Agency: Masfield A.G, Phase No. 9, Mission country: Switzerland. And, then, the contract numbers are given: M/9/120, and the second one which is more important is, M/9/54. Let us remember this as contract number 54. So, there is a contract number 57 for Congress Party and a contract number 54 for Mr. K. Natwar Singh. Notes of the public sector oil company SOMO allocation records name the beneficiary and give his description as member of the Indian Congress Party. This is the first disclosure that against contract number 57 it is the Congress Party, against contract number 54, it is Mr. K. Natwar Singh who are the beneficiaries.

Now, what does Table II show? Table II at page 29 shows contracting party who has lifted oil against these contracts. Contracting company Masfield, Mission Country: Switzerland. Which are the two contracts against which the Swiss Oil Trading Company has lifted oil? It is Contract number M/9/54 and Contract number M/10/57. So, the Masfields is the company which lifts the oil against the Congress Party's contract, where allegedly the Congress Party is named, rightly or wrongly, Somebody else may have misused the name, that's what their leader says. That could be a possibility, which requires investigation. And, contract No. 57 is the other contract where the Masfields has lifted the oil. Now, there is a second important disclosure, Sir, that this document makes; and, that really clinches the entire issue. One need not be a criminal law investigator or a criminal lawyer of Mr. Jethmalani's eminence. Against these two contracts, Nos. 54 and 57, the Masfields decided to levy an illegal

surcharge. That is the quantum of illegal surcharge which has to be passed back to Iraq as a kickback. Now, what is the quantum of surcharge which gives the entire game away, which the Masfields charged? For contract No. 54, Mr. Natwar Singh's contract, it was 4,98,973 dollars. That's an illegal surcharge. Right to the nearest dollar, I repeat, 4,98,973 dollars. For the Congress Party's contract No. 57, the Masfield made an illegal surcharge of 2,50,224 dollars. So, the exact surcharge that the Masfield charged against both the contracts is mentioned in this document. This has to be paid back. Obvious. The Masfield says, "I have not dealt with Iraq, the beneficiary of the coupons, as traded in coupons, and given it to me, I give the surcharge back to you or your nominee I give the surcharge back and pay it back to Iraq." Now, what is the third document? It is Table V. The third document, which is Table V. at page 82, deals with the two oil transactions of the masfield. Now, what are the oil transactions of the Masfield? The oil transactions of the Masfield are that the Masfield lifted the oil. And, against those two, what is the important disclosure made? Let us first deal with contract No. 54, that is, Mr. Natwar Singh's contract. Now, against Mr. Natwar Singh's contract, who deposits the amount back for the Iraqi benefit in the Bank of Jordan? The names of two persons, who deposit this amount, are Mr. Andaleeb Sehegal and Mr. Hamdan. Now, so far, they are not involved in the contract. Why should an unconcerned third Party be depositing the money back? How much is the money that they deposit? This is 4,98,518 dollars. This is the amount that both of them disclose. I am just correcting the figure, Sir. Why did they deposit less? The surcharge levy was 4,98,973. But Andaleep Sehegal and Hamdan deposited only 4,98,518 dollars because Table II says that even though they levied a higher amount, the surcharge which the Masfield paid for payment *en route* to Iraq is 4,98,518 dollars. 4,98,518 डॉलर्स का सरचार्ज उन्होंने पे किया मेसफील्ड में, जिसमें नटवर सिंह के कूपन्स के अग्रेस्ट पैसे लिए, and the identical amount Andaleeb Sehegal and Hamdan pays back into the Bank of Jordan. Now, what happens to the congress Party's contract? Amount of surcharge levied was 2,58,224 dollars. For some reasons the Masfield kept a few dollars in its pocket; and, surcharge paid is 2,50,022 dollars. Now, against the contract No. 57, m/10 of 57, which is the Congress Party's contract, who pays in two instalments in the Bank of Jordan? How much is the amount paid? It is \$ 2,50,022. Does it required, as I said, a criminal law expert of Shri Ram Jethmalani's calibre to realise what the nature of these transactions was. The first

limb of this transaction is that Iraq is violating the sanctions and distributing the coupons to alleged friends depending on the degree of support they give to an Iraqi cause. The second limb is that you had coupons issued in favour of the Congress Party and Mr. Natwar Singh. You have the contract numbers against these coupons which are also given, that is, 54 & 57. You have Masfield which against these coupons lifted the oil. Masfield makes an illegal surcharge. A substantial part of the surcharge is paid and the route of payment is through Mr. Sehgal. Sir, who is this Mr. Sehgal? Mr. Sehgal, from the disclosures which have been made, is a very close family friend of Mr. Natwar Singh. And, this is almost an admission in reality made on television before the whole country. When more disclosures came out, we were told that Mr. Sehgal is also a relative of Mr. Natwar Singh. We have no objection against the friendship or the relationship, we do hope that this relationship prospers even further, but that is not the real issue. The real issue is, is the whole country, and the Parliament, going to put blinkers on its eyes and say, 'well, it is a possibility somebody merely added the name in the Annexure, this is not a case of any evidence? if you see the statement given by the hon. Prime Minister on day one saying that 'I give a clean chit to Mr. Natwar Singh'; the statement given by the Prime Minister in Patna, I can assure you, Sir, that it looks like a statement of defence lawyer and a very weak defence at that. That in some annexure somebody could have only interpolated and added an entry' If statements of this kind are going to be made at the very top, then the question which this country is entitled to ask is, are you standing by your stand which you took in the Congress Party in the mid 90's, that Caesar's wife must be above suspicion, or, has the Prime Ministerial office weakened your resolve and your commitment now is, 'I will presume everybody to be innocent irrespective of the strong *prima facie* evidence which is apparent against him?' Let us, Sir, just analyse all that is known. At the cost of repetition, I may just repeat two or three sentences. The first fact is that coupons have been issued allegedly in the name of Congress Party with or without its knowledge, and Mr. Natwar Singh. The second fact is, against those coupons which have a contract number, masfield has lifted the oil. The third fact is that Masfield has levied and paid an illegal surcharge back for Iraq. The fourth fact is the exact amount of the surcharge paid by masfield is what Mr. Sehgal and Hamdan Exports is depositing in the Bank of Jordan for the Iraqi benefits. This is

what is apparent from the Volcker Report. The Volcker Report says nothing more. But, then, the strong point of our own liberal democracy is that not many things remain secret. Truth also has a very inconvenient habit of pushing itself out, even when it is concealed. And, now, you suddenly have more and more disclosures coming by the day, and I am only going to refer to a few other facts which have come to notice, and which are not mentioned in the Volcker Report. The first fact is and it is really for my friends from the Congress Party to seriously introspect this: Mr. Natwar Singh led a delegation of the Congress Party in 2001 to Iraq. On the surface, there is nothing wrong if he leads a delegation. The delegation comprises of certain very eminent people. But, then, when he went to Iraq, we were told that some other people just came along, somebody came for a youth conference, somebody just accompanied as a good son to a good father. But then I find the Congressmen with whom I speak are embarrassed over the fact that the main delegation was a political delegation. The Congress Party, probably, was entitled to send a political delegation. They claim, they have fraternal links with Mr. Saddam's Party; I have no quarrel with them on that. But then a group of young politico-entrepreneurs accompanied the delegation as a business delegation. And, all these innocent leaders who went as a part of the political delegation did not realise what some spoiled brats were doing along with them. You have now the statement made to Indian media by the then ambassador, Mr. Tyagi, that 'who were the people', and now it is admitted, Mr. Jagat Singh, Mr. Natwar Singh's son, was one of them, Mr. Andaleeb Sehgal was one of the, who was in Baghdad at that time. You have now a new name cropping up, one Mr. Jamir Saidi, who was one of them. And, this entire delegation of politico-entrepreneurs, which accompanies them, starts having meetings with oil officials, and what was told to subsequently visiting Indian journalists who have gone on record and written this that even in the premises of the Indian Embassy, some meetings were held. And, thereafter, what happens is, 'Mr. Sehgal', a 'very mobile person' takes—I have with me the list—twenty-five visits to that region. The first fifteen visits, Dubai-Baghdad *via* Oman, Iraq-Dubai-Baghdad *via* Oman, Dubai-Baghdad-UK, Dubai-Baghdad. Dubai-Baghdad-Oman, Dubai-Baghdad, each one of them. He certainly earned a lot of frequent flying points travelling to Baghdad. But, then, as I said, are we so naive to put blinkers on that this is the man who is paying the kickbacks back to Iraq on the coupons for Mr. Natwar Singh? He is the

man who is paying the kickbacks back to Iraq on the coupons of the Congress Party. He accompanied, as a young entrepreneur, the political delegation of the Congress Party. He continued to make visits to Iraq thereafter, and then we are told 'what is wrong; he has business, therefore, he goes'. What is wrong if my son accompanies me and comes with me? You accompany as an authorised participant, a delegation of a political party; you meet the oil officials in the premises of the Embassy; you visit Baghdad on numerous occasions. The first fifteen of these twenty-five visits are all to Baghdad, and, then you are the gentlemen who against the coupons is making the kickbacks back to Iraq. There is only a very little journey now that the investigators have to go and undertake. The rest is evident as far as these documents are concerned. Sir, telling lies under these circumstances, taking liberties with the truth, is an important circumstance against them. When the television went and Masefield was asked or Masefield voluntarily made a disclosure and that disclosure by Mr. Natwar Singh and his friends was played up in the media, Masefield told, 'we never dealt with Mr. Natwar Singh or Jagat Singh, we dealt with Hamdan and Sehgal.' the next day I saw Sehgal on television saying 'I don't know, I have not heard of Masefield.' Obviously, you are trying to hide behind the veil of the banking secrecy. Mr. Natwar Singh went on record and said, "I have never seen"—and he spelt 'never' as though the country did not know the spelling for the word never, NEVER—"a barrel of oil." You don't have to see oil in order to trade in it! Nobody accuses you of being a loader; but you are certainly being accused of being a non-contracting beneficiary. You dabbled and transacted in documents. Nobody accused you of going and picking up barrels of oil for yourself. And then, you say—my family has no business links with Mr. Sehgal. Well, you say you have no business links with Mr. Sehgal, but unfortunately, these young politico-entrepreneurs were quite reckless. They were travelling together, and thereafter travelling frequently, and making payments into the Bank of Jordan. Also, after the 27th of October, when the disclosures of the Voicker Report became public, from the morning of 28th, the footprints had to be wiped off, wherever you had left your trail and evidence behind!

Media organisations have now reported that all these gentlemen are in a huddle. They are into dozens of telephone calls by the hour to each other. Calls are made past midnight; they speak to each other. They

speak to the third gentleman named and after speaking to him, the third gentleman, in turn gets, in touch with Jordan, he gets in touch with the UK. Now, this is one of the great advantages of an independent media in this country. Even though they are privileged documents in terms of their call sheets from the telephone companies, media got access to it. The media came and made this disclosure on television. They made a star-tling revelation. So, you are in touch with each other. Who is this third gentleman? I am told that he is a former lesser activist of the Congress Party, active on the commercial front, associated with one *Galala Trad-ing* of Baghdad and that is the nucleus where your investigation has to really reach.

Having said so far that this is what is apparent from the Volcker documents, this is what is apparent otherwise from disclosures that are coming—what else needs to be investigated now: what else needs to be investigated; what do you have so far and what is the rest that you have to admit?

Sir, on the 3rd of November, after we were all disappointed with the response of the hon. Prime Minister giving a clean chit to Mr. Natwar Singh, I took the liberty of writing to the hon. Prime Minister. All this cannot be a coincidence, as has been made out in television. What are the coincidences, if you want to use the word 'coincidence' in all this? I set out these coincidences in my letter to the hon. Prime Minister and we want a reply from the Government on these specifically.

The first coincidence is, that an exact sum of Rs.7,48,540/-, which is collected and paid by Masfield, is deposited by Hamadan. That is a very great coincidence. The second coincidence is that the beneficiary is the Congress and Mr. Natwar Singh, but the payment is made by Sehegal and Hamadan. The third coincidence is, there has to be a link, as Masfield has said, between Hamadan and Mr. Sehegal and Masfield. The fourth coincidence is that the families of Mr. Sehegal and Mr. Jagat Singh and Mr. Natwar Singh are on the most intimate terms. The fifth coincidence is that Mr. Jagat Singh and Mr. Sehegal travelled with Mr. Natwar Singh, who happened to be in Baghdad at the same time. The sixth coincidence is that the son accompanies the father and then, he is, of course, his father's son! These are all coincidences. There is nothing wrong in each one of them being there. But they are far too many!

Then, you have the entire evidence, which has listed out their subsequent communications with each other, their earlier travels and so on. So, the first factor is, what is it that the Government or its investigating agencies will have to investigate. The first is, who actually received the coupons. On whose behalf were these coupons received? And where are these coupons at present today? This will really answer the question, rather than saying let us not discuss books. That is a secondary issue. But it is a hard fact. We can ignore the report, we can ignore anything, but who got the coupons who passed on these coupons to a trading company? That is the second issue. Now, Sir, it is most important, and that is my allegation against this Government, that this investigation route, which they have taken, is completely faulty. It is now almost clear as daylight that Masfield did the commercial transactions. Masfield picked up the oil; it sold the oil; it made a profit. The profit could have been shared in many ways. One part Masfield, obviously on commercial principles having done the job, would have kept it with itself. One part has gone back *via* Jordan to Iraq; and then the others have benefited from the rest. Now, what does this involve? From the Masfield's accounts in Switzerland what you require to investigate is the entire money trail—from which account the money came in and what was the trail of that money; who were the friends, who were receiving it for the party or the individual to produce its balance sheet and say this entry is not there, it is meaningless. Nobody is going to put in his balance sheet that I received the money through illegal transactions. So, that money trail really has to be investigated. And then, once you investigate the money trail, the rest falls into places. It falls in its place. What do you do to the contrary? Now, as against this, if you are to investigate this, what in law is the only route which is permissible? *Prima facie* these documents make out a very serious criminal case.

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE AND TECHNOLOGY AND MINISTER OF STATE OF THE DEPARTMENT OF OCEAN DEVELOPMENT (SHRI KAPIL SIBAL): Under what law?

SHRI ARUN JAITLEY: Sir, it is a matter of regret and I say this. My friend Mr. Sibal says, "Under what law".

SHRI KAPIL SIBAL: Please tell me under which law.

SHRI ARUN JAITLEY: We expect the response from the Government ...*(Interruptions)*...

SHRI KAPIL SIBAL: Please tell me under which law so that I can answer.
...(Interruptions)...

SHRI ARUN JAITLEY: I am coming to this. I am coming to this. The attitude of the Government has been as though the people of India or we, in the Opposition, are to produce the documents and then they will pronounce a judgement on it. It is your job under the law, under the mandate which we have
...(Interruptions)...

SHRI KAPIL SIBAL: What is the offence? Please tell us the offence.
...(Interruptions)... Please tell the law.

SHRI ARUN JAITLEY: Yes, yes, I will tell you the law ...*(Interruptions)*...

SHRI KAPIL SIBAL: Then only I will answer you. I want to answer you.
...(Interruptions)...

श्री रुद्रनारायण पाणि (उड़ीसा) : ऐसे कुछ तरक्की होने वाली नहीं है। ...*(व्यवधान)*...

श्री सभापति : ठीक है , ठीक हैं। आप बैठ जाइये । ...*(व्यवधान)*... आप बैठ जाइये ।
...*(व्यवधान)*...

SHRI KAPIL SIBAL: I am really keen to answer you. But, I would like to know what is the offence ...*(Interruptions)*...

SHRI ARUN JAITLEY: If the intentions of your Government are honest
...*(Interruptions)*...

SHRI V. NARAYANASAMY: What is the offence? ...*(Interruptions)*...

श्री सभापति : माननीय सदस्यगण, बैठे-बैठे बात नहीं करें । ...*(व्यवधान)*... कपिल सिब्बल साहब बोल चुके हैं । ...*(व्यवधान)*... उनको भी जवाब देने दीजिए। ...*(व्यवधान)*...

SHRI ARUN JAITLEY: Sir, if moneys have been transacted outside India, kept outside India, traded outside India, it is elementary that the Foreign Exchange Management Act comes into. Two, if the recipient of foreign funding allegedly is a political party, then the Foreign Contribution Regulation Act comes into this. The Government has moved in the first matter, but it has failed to move in the second matter; obviously, it is embarrassing for them. Thirdly and I am not going into the tax violations and so on if the recipients, on behalf of either of the contracts, either for the individual or the political party, at that time, were public servants, as defined in the Prevention of Corruption Act, which includes the

definition from the court, then, the Prevention of Corruption Act, on the Amendment in 1988 which Mr. Chidambaram brought about, is squarely applicable. So, the three laws which Mr. Sibal, your Government wants to know that it should move I am not referring to the law of morality which is alien to this Government ...*(Interruptions)*.. The three laws ...*(Interruptions)*., the three laws ...*(Interruptions)*., and let me now tell you ...*(Interruptions)*., let me now tell you why you have deliberately chosen the wrong way. For layment, at times, it may appear to be innocent. You have handed over the document to the Enforcement Directorate under the Foreign Exchange Management Act knowing fully well that the Foreign Exchange Management Act does not empower the Enforcement Directorate with effective powers in terms of issuance of letter rogatories to investigate the money trade. The crux of the issue is when moneys came into the account of Masfield, how did they travel and reach Hamdan? Who were the other beneficiaries in between? That is the real crux of the issue. Your investigation must take the correct course. It must take the right route; it must take the right answers; only then, you will get the right answers. The only methodology known to law by which the Swiss accounts of Masfield and the veil of the further recipients can be broken is that you must fall within the parameters of the Indo-Swiss treaty for joint cooperation. You must make out a case where there has been a corruption with regard to political individuals and political parties and it's only then that you will get the right answers. If you go to them and say that FEMA has been violated, therefore, lift it. You tried it once till November, 1989. That was the only reason why in Bofors, FIR was not launched. Because without the registration of a case, the Swiss won't entertain a request. The FIR was not registered. It's only after the FIR was registered that they accepted the letter rogatories and started giving documents. It's an Indian Court under section 166 A of the Code of Criminal Procedure which on the request of the investigating agency will issue a letter rogatory to the investigative judge in Switzerland who will interrogate witnesses, who will get details of the bank accounts and the money trade and send it back to India. Now, for that to take place, you need an FIR to be registered. You have a document with contract number saying "Congress Party is the beneficiary". Moneys have been paid to a member of the Congress Party; the other beneficiary, his close family friend, has returned back the kickbacks and you don't register

an FCRA case and you don't register a case under the Prevention of Corruption Act; you merely start enquiring into either revenue violations or currency law violations. Let me just warn this Government, Sir, that you continue to investigate only revenue and currency violations, you will have a dead wall standing in front; and the Swiss are not going to cooperate. You have to come within the parameters of the treaty. It provides for dual criminality. The offence must be an offence of corruption available in both jurisdictions. It must not be a revenue or currency offence. There must be an FIR under registration. These are three preconditions. Then, you get the Indian court to send letter rogatories, you will unveil the mask of Swiss secrecy, but if you set on the right course. It's a case where we don't lift the veil in case of Government because in parliamentary democracy, parties form the Government; the party in Government is investigating itself. That's almost like suicide. Therefore, let us now embark upon the wrong route and get 'no' as an answer from Switzerland and once we get 'no' as an answer from Switzerland, say, well, this is the end as far as the banking secrecy of Switzerland is concerned. Now, what do you? You go to two very honourable people. You go to Mr. Virendra Dayal—no quarrel with his personality or his background. At a diplomatic level, start finding documents. If he goes to the United Nations and asks Mr. Volcker, either to him or the Enforcement Director who went with him, the documents which are with Mr. Volcker will be handed over. But Mr. Volcker has only got those documents which are the basis of this finding. Mr. Volcker has not unveiled the secrecy of the Swiss banking laws. Mr. Volcker can tell you who got the oil coupons, how are the kickbacks paid, how much was the amount, but then who received it from Masfield? People didn't take coupons to give them as complimentaries to certain friends. People took coupons who were intelligent people. And these intelligent people took coupons with a particular method; otherwise why should somebody run the risk of souring his own name? So, Mr. Volcker will give you the documents which are the basis of this report. Volcker won't tell you what the further route is, which is, how to crack the secrecy of the Swiss banking system, and then get all the details how moneys have reached, whom and which company has received them. You don't get into that entire trail, and those documents come to India, and yesterday, when my colleague, the Leader of the Opposition, Shri Jaswant Singhji, raised this question, his very serious

1.00 P.M.

query, was responded by the Government saying that the Enforcement Director has it. What will the Director of Enforcement do with the limited exercise, limited to his case? Then Enforcement Director does not have the sufficient powers. But my question, supplementing what Shri Jaswant Singhji had said yesterday, is this: Is the Prime Minister of India, who sent Mr. Virendera Dayal there, entitled to see those documents or not? If he is not going to see those documents, he made a statement, this may be an intrigue, these are not corroborated by evidence, and therefore, I shift him from a portfolio to a non-existing portfolio. We are concerned in this House not only with the Enforcement Directorate investigations, we are concerned with a serious question: Is this FDI in politics coming? And I am amazed that my friends in the Left, who should be in the forefront of opposing this, are going as strong pleaders of the Congress Party in this regard. Sir, the Prime Minister, the whole country has acknowledged him, as I said, when he said, Caesar's wife must be above suspicion, has been a very clean politician. Why should he give clean chit even without seeing these documents? And when the documents have come, why should he sustain Mr. Natwar Singh even for a minute as a Member of his Council of Ministers if the documents give supportive evidence? Why should that evidence not be shared with the people of India where there is a big question mark as to what are the details? Sir, as all great leaders and Prime Ministers have to prove their authority when they are in Government, the magazine "Economist" has posed a question to each one of us, the Indians. "Is the Prime Minister merely in office or is he also in power? If you are merely in office and sustaining your continuation in office, then where your moral authority has to be exercised, that itself is a question mark" (*Interruptions*)

Sir, let me come to the second limb of investigation. The second limb of investigation is that Justice Pathak Committee has been appointed. Justice Pathak is a very honourable man. I have no grievances on that score. What did the Prime Minister say and what did my friend, Mr. Kapil Sibal, say, when in relation to Tehelka, after consulting the Supreme Court a Commission of Inquiry was set up?

SHRI KAPIL SIBAL: What did you do?

SHRI ARUN JAITLEY: Let us now discuss what you have done. Mr. Sibal, let us now expose your double standards; let us expose the double standards of the Prime Minister in this respect...*(Interruptions)*...

SHRI KAPIL SIBAL: We saw those criminal offences. We saw the cash ...*(Interruptions)*.. Why did you not lodge an FIR against Jaya Jaitley? *(Interruptions)* If you see it on Indian TV, it is not okay. If you see on foreign TV, you believe it. ...*(Interruptions)*...

SHRI ARUN JAITLEY: Sir, we were told by the Prime Minister and the country was told repeatedly by my friend, Shri Kapil Sibal, "Why should you have a Commission of Inquiry? The day we are voted to power, we will scrap it off. What is required is an FIR. Upon an FIR, the CBI must start an investigation. "What we are now told that in the face of all these disclosures, we won't have an FIR; we won't even have a Commission of Inquiry, we will only have a Committee. ...*(Interruptions)*... I have great regard for my friend, Mr. Chidambaram.

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM) You had briefed Mr. Advani.. *(Interruptions)*... I hope that you have corrected yourself since last evening.

SHRI ARUN JAITLEY: Let me tell this House what was not, probably, mentioned by you in the other House and the reasons why you appointed a Committee of Inquiry. Instead of appointing Commission of Inquiry, the country was told yesterday that Justice Pathak wanted it to be a Committee. Fair enough. We reject the idea of both the Commission and the Committee. The reasons are very clear. The first reason is, to crack the secrecy of the Swiss banking system, the honour and the stature of Justice Pathak is not going to come handy. What is going to be required is section 166A of the Code of Criminal Procedure. The Swiss will dismiss any request from a Committee of Inquiry and would not lift the veil of their secrecy, if you say there is no case under investigation and there is no case of corruption, and it is the Committee which is asking you. You chose to go back on what you have been proclaiming to the whole country that there must be no Commission; there must be an FIR. What did you do to Justice Pathak? When you ask me if I briefed my leader or not, the question which you must ask yourself is: Does Justice Pathak have the power to send a letter rogatory to Switzerland? Is Switzerland, in the absence of preconditions, the conditions precedent,

being satisfied, going to entertain his request? Or, is Justice Pathak, after a couple of months or years, going to reach a dead-end and say, "Well, we followed the wrong course; we asked the wrong questions; and we did not get the right answers"? That is the destination which you have chosen to walk upon. That is the path which you have chosen to walk upon. Now, what do you do? You say, "All right, it is not a Commission, but it is a Committee". Now, under section 11,1 straightaway concede ...(*Interruptions*)...

SHRI JANARDHANA POOJARY: Sir, it is repetition. How many times is he going to tell us this? ...(*Interruptions*)...

श्री सभापति : आप छोड़िए ।

एक माननीय सदस्य : बहुत टाइम...(व्यवधान)...

श्री सभापति : बहुत टाइम नहीं, बैठेंगे, प्लीज कन्क्लूड ।

SHRI S.S. AHLUWALIA(Jharkhand): He will repeat it till 04 you understand. ...(*Interruptions*)...

MR. CHAIRMAN: Please conclude. ...(*Interruptions*)... Please conclude. ...(*Interruptions*)...

SHRI ARUN JAITLEY: Sir, I will take a few minutes more. Why did you make it a Committee of Inquiry, not a Commission of Inquiry? You made it a Committee and said, "Justice Pathak, we will give you all the powers of the Commission. It amounts to the same". You gave him substantial powers of the Commission. But Mr. Cidambaram, whoever drafted this, knew that you were investigating your own self, you own party. So, there is one power which you did not give to Justice Pathak and that power is the heart and soul of the Commission of Inquiry Act, the power under section 8(b) of the Commission of Inquiry Act. The power under section 8(b) is that if any person or entity is to be investigated, you state the charges against him and give him notice. Any Commission of Inquiry, in the face of these documents, on the first day itself, would have framed questions under section 8(b) and issued to the Congress Party and Mr. Natwar Singh. But that is not something that you want. You don't give Justice Pathak the power under section 8(b) to issue notice to your own party. Then you want to tell the whole country and you want me to brief Mr. Advani that all that you have done is perfectly with a very honourable desire! Obviously, Sir, it

is not merely an attempt but a crude attempt at a cover-up. ...*(Interruptions)*...

श्री सभापति : ठीक है।

SHRI ARUN JAITLEY: Sir, I have just two more question. When we refer to this document, I have given you notice yesterday and in the notice I have mentioned that since the issue involved is foreign funding to influence India's politics, I can't understand why anybody should not be concerned about it. I thought my friends from the Left would be in the forefront of opposing it. But, then, we are told today by my friend, Mr. Nilotpall Basu, that the Mitrokhin Archives should not be debated. Moynihan can be debated. *(Interruptions)*... The Volcker Committee's Report can be debated. *(Interruptions)*... Sir, if you say that it can be debated separately, I have no difficulty. *(Interruptions)*...

SHRI NILOTPAL BASU: Sir, will he yield for a moment? *(Interruptions)*...

Sir, will he yield for a moment? *(Interruptions)*... Mr. Jaitley, would you yield for a minute?*(Interruptions)*...

श्री सभापति : मैं ऐसा समझता हूँ ...*(व्यवधान)*... बैठिए, बैठिए तो सही ...*(व्यवधान)*... मुझे बोलने दीजिए। ...*(व्यवधान)*... माननीय सदस्य, ये Mitrokhin और Moynihan को मैं एलाऊ नहीं करूंगा। आपने जिस Subject के ऊपर मोशन दिया है, उस पर आपकी डिबेट पूरी हो गई है, that is enough.

SHRI ARUN JAITLEY: Sir my only request to you is this. I have given a notice yesterday requesting that I may be permitted to refer to it today. Let me just say this for your consideration whether it is to be allowed today or it is to be allowed separately.

SHRI VAYALAR RAVI: He has already given his ruling. He has not allowed it. *(Interruptions)*.

SHRI ARUN JAITLEY: He has not said that it cannot be discussed separately.

श्री सभापति : मैंने एलाऊ नहीं किया है...*(व्यवधान)*...

SHRI NILOTPAL BASU: Sir, I would request him to yield for a moment because he has referred to me. My question is about the authenticity of the Mitrokhin archives. Mitrokhin archives is not any official document. Neither is it an account of Mitrokhin himself.

MR. CHAIRMAN : MR. Basu...

SHRI NILOTPAL BASU: It is a collection of articles written by people.

श्री सभापति : मिस्टर बसु, Please hear me, जब कभी भी इस पर चर्चा होगी, तो इस क्वेश्चन पर आ जाएगा ...(व्यवधान)... आप छोड़िए इसे, मैं एलाऊ नहीं कर रहा हूँ ...(व्यवधान)... आप बैठिए ...(व्यवधान)...

श्री नीलोत्पल बसु : माननीय सदस्य गलत रेफरेंस न दें ...(व्यवधान)

श्री सभापति: आप बैठिए । ...(व्यवधान)

श्री नीलोत्पल बसु : हमारे पास वह सारी जानकारी है कि किस- किस पार्टी को फॉरेन फंड मिला है ...(व्यवधान)

श्री सभापति : आप वह जानकारी दे दीजिए । मैं किसी भी subject को एलाऊ नहीं कर रहा हूँ, सिवाय वोल्कर कमीशन के ...(व्यवधान)

SHRI ARUN JAITLEY I will take just one minute on the subject and then I will bow to your ruling. Let me just correct the record. My learned friend says that this is a collection of articles. My case in the notice that I have given to you, Sir, is not merely based on the fact that Mitrokhin archives II are a book. ...*(Interruptions)*.

SHRI VAYALAR RAVI: Sir, what is this?

SHRI DIPANKAR MUKHERJEE (West Bengal): Sir, we are discussing only Volcker report.

श्री सभापति : क्वेश्चन यह नहीं है ...(व्यवधान) माननीय सदस्य, आपने नोटिस कुछ भी दिया हो, लेकिन जो डिस्कशन है, उसकी बात करें ...(व्यवधान)

श्री अरुण जेटली : सभापति जी, आप मेरी बात सुन लें, मैं माननीय सदस्यों को बता दूँ, उसके बाद आप जो रूलिंग देंगे वह हमारे सर-माथे पर है । Sir, Mitrokhin archives II, in the notice I have mentioned, is not articles of individuals. I have annexed a copy of the Kings Committee, a Committee of the House of Commons which clearly establishes that this is ...*{Interruptions}*.

SHRI VAYALAR RAVI: Sir, what is this?

श्री सभापति : आप बैठिए ...(व्यवधान) मैं इनका रेफरेंस एलाऊ नहीं करूंगा । आपकी डिबेट खत्म हुई ...(व्यवधान)

SHRI ARUN JAITLEY: Sir, I have to conclude. I will take just two minutes.

सभपति : आप एक मिनट में complete कर दीजिए ।

श्री अरुण जेटली : मुझे दो मिनट और चाहिए सर ।

श्री सभपति : ठीक है, आप दो मिनट में अपनी बात खत्म कर दीजिए । लेकिन Mitrokhin और Moynihan का रेफरेंस नहीं आएगा । आप खत्म करिए जल्दी ।

श्री दीपांकर मुखर्जी : बोलिए, वोल्कर पर बोलिए ना ।

SHRI ARUN JAITLEY: Sir our charge very clearly is that this entire exercise is in the direction of a whitewash, a cover up. Without a proper criminal law investigation, without a letter rogatory, all these matters are going to become meaningless. You still have the concerned individual, Shri Natwar Singh, in the face of all this, as a member of the Union Cabinet. In doing so, Sir, it is not only the image of this country, this Government or the Prime Minister, but all of us which is in question. You have the Prime Minister and his party and his Government taking a stand by revoking the Justice Phukan inquiry notification and saying, "No Commission; the correct course is FIR in criminal case." Now he changes the stance. You have the Prime Minister and his party saying, "Why are Mr. Advani and Mr. Joshi in the Government?" Even though it is a case of different category. Now he says that they are entitled to be in the Government, if not with portfolio, without portfolio. You then have the Prime Minister undertaking a long journey from his valued principle of Caesar's wife must be above suspicion, to now coming up and saying, "Well, there is a presumption of innocence". What kind of flexible principles are these? Are these principles only intended to remain in power and then not exercise that power where you require the moral authority really to redeem yourself? The hon. Prime Minister is not here, but some of his senior and very distinguished colleagues are here. Just one quotation, and I will be done with. Have you flipped your principles to suit that side of the House you are sitting on? This is a very interesting quotation which describes this. It is from 'The Man of Destiny' by Mr. Bernard Shaw. He says, "There is nothing so good or so bad that you will not find an Englishman doing it. But you will never find an Englishman in the wrong; he does everything on principles. He fights you on a patriotic principle. He robs you on a business principle. He enslaves you on a moral principle. He bullies you on a manly principle. He supports the king on a loyal principle, and he chops the king's head off on the

republican principle. But whatever he does, whether it is 'presumption of innocence' or that 'Caesar's wife must be above suspicion', it is all on a principle. Whether it is a commission of inquiry or a FIR, it is based on a principle. Whether it is having tainted Ministers or not, it is on a principle. Sir, the least that the Prime Minister must do is to put this investigation on a correct course and get rid of tainted colleagues who are an embarrassment to the country all over the world.

The question was proposed.

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

The House then adjourned for lunch at twelve minutes past on of the clock.

The House reassembled after lunch at two minutes past two of the clock,
[MR. CHAIRMAN in the Chair.]

SHRI KAPIL SIBAL: Mr. Chairman, Sir, I rise to oppose the motion moved by my learned friend under Rule 167. Sir, I have great admiration for my learned friend for his flights of imagination. And it is a very Kubrik flight. And, unfortunately, he has fallen into his own trap. He is right. If you ask the wrong question, you will get the wrong answer. And all the questions that he asked today were the wrong questions. And, naturally, he could not come up with the right answers.

If you remember, Mr. Chairman, Sir, he started off by saying that this is a Congress coupon. The Report says, "Congress is a non contractual beneficiary"; "Natwar Singh is a non-contractual beneficiary". So, this is a case of Congress coupon and Natwar coupon. And then, towards the end of the debate, he said there was a very limited investigation that was required to be done. And what is that investigation? He said three things. Number one, who received the coupons? But, if it was a Congress coupon, why do you ask that question? Then, he asked, "On whose behalf?". So, if you assume it is a Congress coupon, or, a Natwar Coupon, then why are you asking these questions—who received the coupons; on whose behalf were these coupons received; where are they today? So, you concede, and rightly so because somewhere there is a sense of balance, that you do not know what these coupons are all about; on whose behalf they were issued; who took them; who encashed them; where is the money; into which bank account the money has gone; who has got the kickback; what is the extent of the kickback. That is why, in the course of my learned

friend's erudite opening, I asked the question if I could know what was the offence that had been committed.

Mr. Chairman, Sir, obviously, offences have been committed. Number one under FEMA. No. 2-under the Prevention of Corruption Act and No. 3 - under FCRA- Now, as my learned friend should know there is no criminal liability under FEMA. So, no criminal offence.....

SHRI ARUN JAITLEY: That is why you have chosen only FEMA. *(Interruptions)*

JSHRI KAPIL SIBAL: Don't interrupt me. *(Interruptions)* I would have thought that you would have studied all these. That is why I asked the question. It is very unfortunate. You said FEMA, knowing full well that FEMA does not attach any criminal liability. For criminal liability to be attached under FERA, the offence should have been prosecuted prior to June 1,2002.

श्री रुद्रनारायण पाणि :*

श्री सभापति : इसे छोड़िए ।...*(व्यवधान)* ... आप बैठ जाइए । मैं अलाऊ नहीं करूंगा।...*(व्यवधान)*... इसे रिकॉर्ड पर मत लीजिए । ...*(व्यवधान)* ... It will not go on record. *(Interruptions)* कुछ नहीं ।...*(व्यवधान)* ...यह रिकॉर्ड पर नहीं जाएगा । ...*(व्यवधान)* ... माननीय सदस्य, बैठ जाइए । ...*(व्यवधान)* ... आप बैठ जाइए । ...*(व्यवधान)*...आप बैठ जाइए । ...*(व्यवधान)*...आप बैठ जाइए । ...*(व्यवधान)*...मेरी परमिशन के बिना कोई बोलेगा तो रिकॉर्ड पर नहीं जाएगा ।...*(व्यवधान)*...

SHRI KAPIL SIBAL: So, Mr. Chairman, Sir, clearly there is no criminal liability under FEMA. As far as the Prevention of Corruption Act is concerned, you have to be a public servant on that day when the offence is alleged to be committed. Now, everybody knows and it is a matter of record that the Congress Party, as a political party, cannot be a public servant. And, as far as Mr. Natwar Singh is concerned, he became a public servant and a Member of this House in April, 2002. All the alleged transactions that my learned friend has invited our attention to are all transactions in 2001. One in March, 2001; one in May, 2001; one in June, 2001 and one in November, 2001. So, the Prevention of Corruption Act is not attracted because he was not a public servant. Then, he says, "No, no; but, then, FCRA is attracted." But to establish an offence under FCRA, you have to show that a political party took money, accepted money, or, that a member of a

*Not recorded.

political party who is an office-bearer accepted money. There is nothing in the Volcker Report to show that. My learned friend made much of those documents. He said, look at the entries. Entry in Table 3 shows. Then, we look at Table 3, right away. It shows beneficiary-Shri K. Natwar; country-India.-It does not show. This is only a conclusion. This beneficiary, K. Natwar is not a document. I don't understand it. It is not a document. It is a conclusion. Now, on what basis did Mr. Volcker come to the conclusion that K. Natwar Singh was the beneficiary? Those documents are not disclosed in the Volcker Report. Not disclosed in the Volcker Report. If those documents were disclosed in the Volcker Report, then, I need not argue the case any further. Then, of course, the law must take its course. So, the primary evidence is not disclosed in the Volcker Report. The primary evidence is the document on the basis of which you say that Natwar Singh took money, or, on the basis of which you say the Congress Party took money. That is not there. You can prove that by secondary evidence, under the Evidence Act. This is not even secondary evidence because secondary evidence means certified copies of the primary evidence because the primary evidence is not available. So, the documents on the basis of which Volcker could have come to a conclusion are neither disclosed by Volcker in his Report nor given to anybody, and Mr. Jaitley says that an offence has been committed.

Mr. Chairman, Sir, this is the problem. When political parties take an about-turn and apply double standards, and when there is an over-enthusiastic argument, you always fall into an error. Mr. Chairman will remember, there was a time when we saw some primary evidence on tape which was in the possession of Government. Primary evidence and not conclusions! What happened to that? What happened to the law of morality that my learned friend was talking about?

Imagine, here is a Government which has set up the Commission to get the primary evidence; then there was a Government which had the primary evidence and sent it outside India to get an expert opinion to say it is not primary evidence! When you had the primary evidence in your possession, you questioned the authenticity of that evidence. We are trying to determine the authenticity of the conclusions of the Volcker Report, because we did not have the evidence. We are trying to arrive at the truth. And when it came to you, you tried your very best to hide the truth! You had the primary evidence and you chose not to lodge an FIR. We do not

have the primary evidence. Till we get it, we cannot lodge an FIR. The then Enforcement authorities were helping the accused. The Enforcement authorities are now questioning people.

I am just trying to talk about the morality that you talked about. The then Government in power relied upon that very primary evidence to prosecute or to deal with the members of the Defence services while members of political parties and office bearers of political parties were not dealt with. What happened? My learned friend was at the helm of affairs then! You chose not to inquire into the conduct of those people who took money on camera. Not to inquire.

Mr. Chairman, Sir, you remember, when the scandal broke out on 14th March, 2001, what happened? When the scandal broke out, from 2001 to 2004, nothing happened. No inquiry against the political beneficiaries. No inquiry. Either by Venkataswami Commission or by Phukan Commission, no inquiry. And not a single person was inquired into. In fact, the Government was helping the accused. You see the affidavits before the Tehelka Commission and you will find this. Let us not talk about political morality. It is not going to gel. The people of India are not going to buy that argument.

Remember what happened in the petrol pump scam, of the 3,850 allotments made about 3000 went to RSS and BJP workers. The primary evidence was in your possession. What did they do? No FIR was lodged. *(Interruptions)* Let us not talk about the law of morality. I would never have touched it. *(Interruptions)*

MR. CHAIRMAN: You have made your case.

श्री सुरेन्द्र लाठ (उड़ीसा): सर, यह गलत इल्जाम लगाए जा रहे हैं।...*(व्यवधान)* ...

श्री सभापति : ठीक है, आप बैठ जाइए।...*(व्यवधान)*... बैठिए, आप।...*(व्यवधान)*...

श्री सुरेन्द्र लाठ : सर, कोई एवीडेन्स नहीं है।...*(व्यवधान)*...

श्री सभापति : चलिए। बैठिए।...*(व्यवधान)*...

SHRI KAPIL SIBAL: Because he talked about the law of morality, I am touching it. *(Interruptions)* SHRI JASWANT SINGH(Rajasthan): Sir, are you going to keep within the ambit of the subject or are we allowed to go outside? Then, we will start discussing the Mittrokhin also. This is not permissible, Sir. जो विषय है, उस बात करें।...*(व्यवधान)*...

श्री सभापति : मैं ने कह दिया है । ... (व्यवधान)...

श्री सुरेन्द्र लाठ : सर, मोरेलिटि की, तहलका की बात कर रहे है, कोई एवीडेन्स नहीं।... (व्यवधान)...

श्री सभापति : आप मोरेलिटि का प्रश्न छोड़िए । आगे आइए ।... (व्यवधान) ...

श्री यशवंत सिन्हा (झारखंड) : सर, अगर हम 45 साल का इनका ब्यौरा कहना शुरू करेंगे, तो आप हमें परमिट करेंगे ? ... (व्यवधान)...

श्री रुद्रनारायण पाणि : 1947 से गिनाएंगे, उसके आगे से भी गिनाएंगे ।... (व्यवधान)...

श्री सुरेन्द्र लाठ : तब से गिनाएंगे और बताएंगे आपने क्या किया है ।... (व्यवधान)...

श्री एस.एस. अहलुवालिया : सर, आपने सुबह एक रूलिंग दी थी, क्या वह अब आपटर नून में लागू होती है या नहीं ?

श्री सभापति : लागू होती है । माननीय सदस्य ने जो बात कही है, उनसे मैं रिक्वेस्ट करना चाहूंगा । कि वे सब्जेक्ट पर रहें, बाकी चीजें न लाएं । आप मेरी बात सुनिये, बैठ जाइए । मैं इतना ही चाहता हूँ कि आपने मोरेलिटि के क्वेश्चन पर बहुत अच्छा जवाब दे दिया, अब आप सब्जेक्ट पर आ जाइए । ... (व्यवधान)...

श्री एस.एस. अहलुवालिया : उस पर चर्चा शुरू हुई तो ये मुसीबत में पड़ जाएंगे ।... (व्यवधान)...

श्री कपिल सिब्बल : वोल्कर की ही बात... (व्यवधान)... सर, देखिए बात हुई थी पॉलिटिकल मोरेलिटि की, मैं यह तो साबित कर सकता हूँ कि पॉलिटिकल मोरेलिटि की बात आप नहीं कर सकते ।

श्री सभापति : ठीक है, खत्म हुआ किस्सा ।... (व्यवधान)...

श्री कपिल सिब्बल : यही मैं कह सकता हूँ, इतना ही कह सकता हूँ ।... (व्यवधान)...

श्री सुरेन्द्र लाठ : ये मोरेलिटि की बात ... (व्यवधान) ...

श्री सभापति : माननीय सदस्य, आप बैठ जाइए ।... (व्यवधान)...

श्री सुरेन्द्र लाठ : ये मोरेलिटि की बात करते है... (व्यवधान)...

श्री सभापति : माननीय सदस्य, आप बैठ जाइए ।... (व्यवधान)...

बैठ जाइए, वरना मुझे मजबूरन कहना पड़ेगा कि आप हाऊस से बाहर जाएं ।... (व्यवधान)...

SHRI KAPILSIBAL: Mr. Chairman, Sir, {Interruptions}...

श्री एस.एस. अहलुवालिया : इस प्रकार तो सबको बाहर भेज दीजिए, सर ।... (व्यवधान)...

श्री सभापति : मैंने जब आपको(व्यवधान)... देखिए, आप बीच-बीच में बोलेंगे(व्यवधान)... जब आपके लीडर बोल रहे हैं(व्यवधान)...

आप बोल रहे हो बीच-बीच में ।(व्यवधान)... मैंने उनसे कह दिया(व्यवधान)...

श्री एस. एस. अहलुवालिया : ये मोरेलिटी पर भाषण देंगे?(व्यवधान)... 100 चूहे खाकर बिल्ली हज को चली ।(व्यवधान)...

श्री सभापति : एक आदमी बोले, सारे खड़े होकर बोलेंगे क्या?(व्यवधान)...

श्री एस. एस. अहलुवालिया : इनका मोरेलिटी का भाषण(व्यवधान)...

MR. CHAIRMAN: Please take your seat. (*Interruptions*) Please take your seat. (*Interruptions*)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYARANJAN DASMUNSI): Sir, we have heard with rapt attention to Arun Jaitley's speech. Let the House listen to him also.

SHRI KAPILSIBAL: Mr, Chairman, Sir, perhaps many people...

SHRI YASHWANT SINHA: Sir, I will...

SHRI KAPIL SIBAL: No, I am not yielding.

SHRI YASHWANT SINHA: No, I know you are not yielding, I am appealing to the Chairman. (*Interruptions*) Sir, please tell him to talk on the subject and not to preach morality to us. What right does he have to preach morality to us?

श्री सभापति : बैठ जाइए सब । आप बोलिए, कपिल जी ।(व्यवधान)...

SHRI KAPIL SIBAL: Mr. Chairman, Sir, I do believe that... .(*Interruptions*)...

श्री नीलोत्पल बसु : *

श्री एस. एस. अहलुवालिया : *

श्री रुद्रनारायण पाणि : *

श्री सभापति : आप बैठिए ।(व्यवधान)... इन्हें बोलने दीजिए ।(व्यवधान)... वह रिकार्ड पर

*Not recorded.

नहीं है।(व्यवधान)... वह रिकार्ड पर नहीं है।(व्यवधान)... माननीय सदस्य, बैठ जाइए।
....(व्यवधान)... आप अपनी सीट पर जाइए।(व्यवधान)...

श्री एस0 एस0 अहलुवालिया : सभापति जी, आपके सामने एक पार्टी का नेता बैठे-बैठे रिमार्क्स पास करेगा और दूसरी पार्टी(व्यवधान)...

श्री सभापति : वह रिकार्ड पर नहीं है।(व्यवधान)...

श्री एस. एस. अहलुवालिया : नहीं, सर, रिकार्ड पर है या नहीं, लेकिन ये कौन है?
....(व्यवधान)... ये कौन है?*

SHRI YASHWANT SINHA: You might strike what is being said in this House from the record of the House but the whole world is watching the proceedings of the House live. Therefore, Sir, for anyone to say that this will be struck off makes no sense. Times have changed. Technology has changed....(Interruptions)...

श्री सभापति : मैं एक निवेदन कर दूँ कि जिस समय जेटली साहब बोल रहे थे, उस समय भी सारे संसार ने उनको सुना और हाऊस ने जिस डिग्निटी के साथ उनका भाषण सुना है, मैं समझता हूँ कि हमें उसके लिए भी(व्यवधान)...

श्री एस. एस. अहलुवालिया : डिग्निटी मेंटेन हो(व्यवधान)...

श्री सभापति : एक मिनट, ठहरिए। मैं इतना निवेदन करना चाहता हूँ कि आज जब हम यहां बैठे हैं तो कुछ चर्चा आ भी सकती है और उस चर्चा में मतभेद भी हो सकता है, लेकिन मैं इतना निवेदन करना चाहूँगा, जो बोल रहे हैं उनसे मैंने रिक्वेस्ट की है कि वे सब्जेक्ट पर बोलें, सब्जेक्ट से बाहर नहीं जाएं और मैं आपसे भी रिक्वेस्ट करना चाहता हूँ कि जब आप बोले हैं तो जवाब सुनने के लिए भी मानिसक दृष्टि से तैयार रहना चाहिए।(व्यवधान)...

श्री एस.एस. अहलुवालिया : रिश्ते में साले लगते हैं और दामाद को यहां ताने देते हैं।

श्री सभापति : चलिए, चलिए हो गई बात। खत्म हो गई बात।(व्यवधान)... खत्म हो गई बात।(व्यवधान)... वह बात तो खत्म हो गई है।(व्यवधान)... आप बोलिए, बोलिए(व्यवधान)... आप बैठ जाइए(व्यवधान)... आप बैठ जाइए(व्यवधान)... बैठिए, बैठिए, बैठिए(व्यवधान)... मैं हाथ जोड़ कर कहता हूँ कि बैठ जाइए(व्यवधान)...

SHRI KAPIL SIBAL: This is completely wrong ...(Interruptions)... This

*Not recorded.

is not fair that they are not allowing me to speak ...*(Interruptions)*... Ten minutes have been wasted like this.

Mr. Chairman, Sir, I would like to inform the House and perhaps, many do not know some of these facts, Mr. Volcker was not operating like a Grand Jury. He had no powers of a Grant Jury. He could not summon evidence. He could not summon witnesses. He could not ask for this, that or the other. He had no coercive powers. So, whatever Mr. Volcker got was on the basis of voluntary disclosures made from time to time.

SHRI N.JOTHI (Tamil Nadu): What power does Mr. Pathak have? ...*(Interruptions)*...

श्री सभापति : आप बीच में मत बोलिए । Let him speak ...*(Interruptions)*... He is speaking about Volcker... *(Interruptions)*...

SHRI KAPIL SIBAL: Sir, I cannot continue my speech like this ...*(Interruptions)*... I will not speak like this ...*(Interruptions)*... If this is the way they behave, I cannot speak ...*(Interruptions)*... If they don't want me to speak, I will not speak ...*(Interruptions)*...

THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): Sir, this is not fair. We have listened to Mr. Arun Jaitley with rapt attention and now everybody is getting up and interrupting him! What is this?... *(Interruptions)*...

SHRI SHAHID SIDDIQUI (Uttar Pradesh): Let there be a civilized debate. Let the people think that we are civilized ...*(Interruptions)*...

श्री कपिल सिब्बल : इतना समय तो ऐसे ही बिता दिया*(व्यवधान)*... This is not a fair.

श्री सभापति : ठीक है , ठीक है, आप बोलिए ।

SHRI KAPIL SIBAL: Mr.Chairman, Sir, the point that I was making was Mr. Volcker was not operating like a Grand Jury. He was receiving documents and I tried to figure out how is it and in what manner did the name of the Congress Party and Shri Natwar Singh, come into these records. And, I wish that my learned friend on the other side had also made those investigations because when I tell him how it all happened he himself will be surprised.

Mr. Chairman, Sir, Mr.Volcker set out to do the inquiry sometime in April, 2004, and the final Report came in October,2005. The first Interim Report that Mr. Volcker submitted was on February 3,2005. And thereafter,

there were three more Interim Reports-one was on March 29, 2005, one was on August 8, 2005, and one was on September 7, 2005-till the final Report. And, the final Report was submitted on October 7, 2005. Now, the first Interim Report that Mr. Volcker gave on February 3, 2005, did not contain either the name of the Congress Party or the name of Mr. Natwar Singh. But, on February 9, 2005, Certain proceedings took place. Those proceedings were before the hearing of the Sub-Committee on Oversight and Investigations of the Committee on International Relations of US. Before that, in that Committee, some testimony was given by a gentleman called Mr. Nimrod Raphaeli. He is a Ph.D. and he runs a company called MEMRI-Middle East Media Research Institute.

SHRI S.S. AHLUWALIA: It is not a company.

SHRI KAPIL SIBAL: It is an institute. It is in Washington. In the course of that hearing- and I will refer you to page 29 of that - he submitted a prepared statement before the sub-Committee. And, he said that it is, perhaps, a tribute to the freedom of Press introduced in Iraq in the wake of operation 'Iraqi Freedom' that Iraqi newspapers should have been able to expose a scandal that has international reverberations. The Oil-for-Food scandal was made public by a liberal Iraqi daily *Almada's* publication. Over 270 individuals and entities had received vouchers, providing for the purchase of oil below market price. The Middle-East Media Research Institute translated the article and brought it to public attention in the United States and everywhere, culminating in an investigation by various committees of the US Congress and other Governments. So, what the gentleman Nimrod Raphaeli gave, was a translation of a newspaper report, appearing in Iraq, under the title *A/Mada*, in which a list of 270 entities was given, as having received money. So, he submitted the statement. And, there is testimony which goes on. Ultimately, at page 39, Mr. Raphaeli talks about vouchers received by various people. I don't want to go into the number. At page 39, Mr. Raphaeli said, the list was confirmed by the Doulfer Report. "There is absolutely no question about the authenticity and accuracy of the list". I am reading from the proceedings which say, "There is absolutely no question about the authenticity and accuracy of the list." So, it is accurate as it was published by the newspaper. So, the accuracy of this list is based on a publication by a newspaper. This is Mr. Jaitley's case ...*(Interruptions)*... This is Mr. Jaitley's case.

SHRI ARUN JAITLEY: Sir, I have a point of order. The reason for our motion was that this Government is not honestly trying to investigate the matter, but want to reach a dead-end. Mr. Sibal has just started. We will have the benefit of listening to him. But if opening is clear, that instead of speaking as a Minister...

SHRI KAPIL SIBAL: What is his point of order?

SHRI ARUN JAITLEY: I am coming to the point of order... *(Interruptions)*...

SHRI KAPIL SIBAL: Which rule has been violated? You can't give a speech. I did not interrupt you. Please. Let me complete. This can't be a point or order. How I proceed in my debate is my business. ...*(Interruptions)*... what point of order is this? You cannot ...*(Interruptions)*... There is no question of ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE: Sir, he has the right to reply. He can reply to that point ...*(Interruptions)*...

SHRI ARUN JAITLEY: If my learned friend, Shri Pranab Mukherjee, will let me say, is this a Minister of the Government who honestly wants to investigate this ...*(Interruptions)*... is my point of order ...*(Interruptions)*...

SHRI KAPIL SIBAL: How can you raise it as a point of order? This is not a point of order ... *(Interruptions)*...

श्री सभापति : ठीक है , ठीक है,... *(Interruptions)*... This is not a point of order.

SHRI KAPIL SIBAL: I am trying to show that as a lawyer you have not done your homework ...*(Interruptions)*... You should have done your homework because you make allegations against the Government of the day; you are making allegations against a national party ...*(Interruptions)*... You have made allegations against a national party, which has stood the test of time. And, you make serious allegations without looking into the ...*(Interruptions)*... I am sorry to say. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, I want to submit. ...*(Interruptions)*... He is misleading the House. ...*(Interruptions)*... He is misleading the House. ...*(Interruptions)*...

श्री सभापति : जब आपको जवाब देने का मौका मिले तब उसमें करिए। अभी नहीं करे आप । ...*(व्यवधान)*...

श्री एस.एस. अहलुवालिया : मुझे जवाब नहीं देना है। मैं कह रहा हूँ कि मैं वोल्कर रिपोर्ट में बता रहा हूँ कि कहां है वह(व्यवधान)... Sir, He is misleading the House. ...*(Interruptions)*...

श्री सभापति : आप इसको छोड़िए, उनको बोलने दीजिए।(व्यवधान)...

श्री दीपांकर मुखर्जी : सर, मेरे पास भी वोल्कर रिपोर्ट हैं।(व्यवधान)...

श्री सभापति : मैं एलाउ नहीं कर रहा हूँ, आप बैठ जाइए। उनको बोलने दीजिए। आप जवाब दे देना, मैं एलाउ नहीं कर रहा हूँ।(व्यवधान)...

SHRI KAPIL SIBAL: Why are you getting frustrated?

श्री सभापति : आप यह छोड़िये, इनको बोलने दीजिए।(व्यवधान)... आप इनको बोलने दीजिए।(व्यवधान)...

श्री एस.एस. अहलुवालिया : सर, ये सदन को मिसलीड कर रहे हैं।(व्यवधान)...

श्री सभापति : आप मिसलीड होने वाले नहीं हैं।(व्यवधान)... मैं आपको अलाऊ नहीं कर रहा हूँ, मैं अलाऊ नहीं कर रहा हूँ। आप बैठ जाइये, आप बैठ जाइये।(व्यवधान)... मैं अलाऊ नहीं कर रहा हूँ। । Nothing will go on record. ...*(Interruptions)*... आप बैठ जाइये।(व्यवधान)... अहलुवालिया जी, मैं अलाऊ नहीं कर रहा हूँ। आपको उनको बोलने दीजिए।(व्यवधान)... आप बैठ जाइये। आप जवाब दे देना।

श्री एस.एस. अहलुवालिया : *

श्री सभापति : हर बात पर टोकेंगे, तो मैं अलाऊ नहीं करूंगा। मैं अलाऊ नहीं करूंगा(व्यवधान)... मैं अलाऊ नहीं कर रहा हूँ। Nothing will go on record. ...*(Interruptions)*... Nothing will go on record. ...*(Interruptions)*... आप इनको बोलने दीजिए। आप बैठ जाइये(व्यवधान)...

श्री एस.एस. अहलुवालिया : *

श्री सभापति : सदन गुमराह नहीं होगा, जब सदन में आप जैसे लोग बैठे हैं, तो सदन कैसे गुमराह होगा(व्यवधान)... आप इनको बोलने दीजिए।(व्यवधान)... नहीं-नहीं, आप इनको बोलने दीजिए। आप बोलिए।

*Not recorded.

SHRI KAPIL SIBAL: Mr. Chairman, Sir, so in the course of this ...*(Interruptions)*...

MR. CHAIRMAN: मैं अलाऊ नहीं कर रहा हूँ । Nothing will go on record. ...*(Interruptions)*... Nothing will go on record.

श्री एस.एस. अहलुवालिया : *

श्री सभापति : आप बोलिए ।...*(व्यवधान)*... आप बोलने दीजिए ।

SHRI KAPIL SIBAL: It shows your frustration. ...*(Interruptions)*... It only shows your frustration. ...*(Interruptions)*... When I am telling you the facts. ...*(Interruptions)*...

SHRI S.S.AHLUWALIA:*

श्री सभापति : आप बोलने दीजिए ।*(व्यवधान)*... बाद में आपकी पार्टी के मेम्बर्स बोलेंगे, तो जवाब दे दीजिए ।*(व्यवधान)*... आप बाद में जवाब दे दीजिए ।*(व्यवधान)*... आपको बोलने का मौका मिलेगा ।*(व्यवधान)*... माननीय सदस्य, आप बीच में इंटरप्ट मत करिये ।*(व्यवधान)*... माननीय सदस्य , मैं आपसे अनुरोध कर रहा हूँ कि आप बीच में मत बोलिये, यह रिकार्ड नहीं होगा । मैं अलाऊ नहीं करूंगा । आप बैठ जाइये*(व्यवधान)*...

ठीक है , ठीक है । आगे चलिये । आप बोलिये ।

SHRI KAPIL SIBAL: Mr. Chairman, Sir, so, at the end of that deposition, he asked Dr. Raphael if he could provide than the list. He replied that he would insert that list as a record of the Committee and would be pleased to forward it the next morning. So, the list was given and in that list there is a reference to two entities. One is Shri Bhim Singh, 5.5 million, and Congress Party India, 4 million. This is what happened on February 9, 2005. Then, he talks about one Mr. Doulfier who seems to have verified this. Then comes the report of Charies Doulfier of CIA Iraq Study Group. Director of CIA, September 2004. And, what does he say? In the Annexure list there are several references to Indian oil having been allocated and lifted. And, the says the report is based on information obtained from Iraqi sources interrogated by U.S. occupation forces and not independently verified. ...*(Interruptions)*... It is very sad. ...*(Interruptions)*... Therefore, the source says it is not independently verified. Volcker does not disclose

*Not recorded.

us the material and Mr. Jaitley says an FIR should be lodged. They do not understand. I could have understood if Mr. Jaitley had shown to me documents from the Volcker report which suggested any linkage between the Congress Party as being a non-contractual beneficiary or Mr. Natwar Singh being a non-contractual beneficiary. I could have understood that. We would not have had this debate because an FIR would have been lodged unlike Tehelka because we are a Government who would certainly lodge a complaint. We will still lodge a complaint if we get the information. The point that I am making, Mr. Chairman, Sir, is that this is the state of affairs. The findings of the Volcker Committee report are, apparently,—we don't know, because that is something that we have to find out yet,—based on information which the sources themselves say are not independently verified. Now, what is the task of a Government in this context? What should a responsible Government do? An irresponsible Government like the one that we had in the past would say, forget it, what we see we do not believe. That is the act of an irresponsible Government. But a responsible Government would say, 'yes', there are some names, including the name of the Congress Party which has come in the records of a report headed by Volcker who was the ex-Chief of the Federal Reserve. Even though we do not know the reasons why those names have come into that report, a responsible Government would say, "still we would like to clear our name. We would like to find out as to why this has happened." And, therefore, we decided to have a Commission of Inquiry. ...*(Interruptions)*... One second, Mr. Jaitley, don't get worried now. ...*(Interruptions)*... Don't get worried. ...*(Interruptions)*... The point is this. What happens is that when there is an over enthusiastic prosecutor and he is dealing with oil, he always slips. That is what happened to you today. He has slipped and fallen on his face because he has not verified anything. Now, a responsible Government said, we want to get at the root of this and that is what the Prime Minister said. On the first day, the Prime Minister on 30th of October made that statement, 'that the documents don't suggest that there is any *prima facie* proof of any culpability, but we must get at the root of this.' And the same thing was repeated on the 3rd of the following month. In other words, we reacted as a Government should react. When there was a demand of the Opposition, we set up a Commission of Inquiry. My good friends said, no, no, you can't have a Commission of Inquiry, you must have a prosecution, Why? Because a prosecution must be lodged to get at documents. He says that the reason is under the Commission of Inquiry you can't send a

letter rogatory, and he is absolutely right. We are not going to send a letter rogatory till we are *prima facie* convinced that the Congress Party or Mr. Natwar Singh is involved, or anyone else is involved. He is absolutely right. We are not going to lodge an FIR till we are *prima facie* convinced that our Party or Mr. Natwar Singh is involved. There is no question. We are here not to please you. We are here to find out what the truth is. So, look at section 166(A) of the Code of Criminal Procedure. I remember when Mr. Jaitley was making his submission, he was looking at Shri Ram Jethmalani for some approval. Mr. Jethmalani being an outstanding defence lawyer will tell him what the state of evidence of this case is(Interruptions)... Now, what 166(A) says is this. This is for the purposes of a letters rogatory. 'Notwithstanding anything contained in this Code, if in the course of an investigation into an offence...' That is why I asked the question from my learned friend, what offence has been committed. So, this letter rogatory can only be issued if we are *prima facie* convinced that an offence has been committed under any law in India, which attaches criminal liability. There is no offence under IPC, there is no offence under the Prevention of Corruption Act, there is no offence under FEMA and there is nothing to show that any offence under FCRA has been committed. So, what is the efficacy of the demand of our having to lodge an FIR merely because Mr. Jaitley thinks so? ...(Interruptions)... I would like to know. Because you can't make out a case on the basis of assumptions. That is why I said that he, actually, presumed that an offence has been committed. And, on the basis of that presumption, he made his arguments, without first establishing that there is a *prima facie*-case of an offence under any of these statutes. Therefore, I said that when Mr. Volcker talks about the Congress Party being a non-contractual beneficiary, at best, it is an opinion. At best, it is an opinion, based on an inference, on facts not disclosed, and unverified also. So, which criminal justice system allows any Government to lodge an FIR if that is the state of affairs? So, Mr. Chairman, Sir, this demand of my learned friend is completely unwarranted. Obviously, what is happening is that they are getting embarrassed. They have, recently, been embarrassed in Madhya Pradesh ...(Interruptions)...

श्री यशवंत सिन्हा : बिहार भी याद कर लो । कैसे इम्बैरेस हुए ? जरा अपनी शक्ल भी देखें ।(व्यवधान)... सर, अगर वोल्कर में कुछ नहीं है तो मैं इस सदन को यह प्रस्ताव करता हूँ कि नटवर सिंह जी को वापस विदेश मंत्री बनाया जाए। तत्काल उनको विदेश मंत्री बनाया जाए।(व्यवधान)...

SHRI KAPIL SIBAL: Don't get worried, Mr. Yashwant Sinha(Interruptions)..} will be coming to you also ...(Interruptions)...

श्री सभापति : चलिए, चलिए । ये embarrassment के क्वेश्चन मत उठाइए। आगे चलिए ।

SHRI KAPIL SIBAL: No, Sir, the point is that celebration has turned sour, even in Bihar ...(Interruptions)... See, what is happening is they have no issue. Therefore, you want to raise any issue just to get the attention of the people. Don't worry, we are attentive to you. We will, still, listen to you. We don't have any problem. You don't have to make a tamasha about all this...(Interruptions)...

Now, Mr. Chairman, Sir, there is another important issue. What was the oil-for-food programme? In just about five minutes I would like to explain. On August 2,1990 Iraq invaded Kuwait and on August 6,1990, the UN Security Council passed a Resolution 661 and set up a Committee called the '661 Committee' and imposed sanctions. Those Resolutions in 1990-91 were not accepted by the State of Iraq. We are members of the United Nations. We, of course, were bound to accept them and we accepted them. This continued for a period of time. Under the original Resolution, Iraq could only sell oil every ninety days worth one billion dollars in return for medicines and other essential services. That was not enough. This amount in 1999 or rather in 1995 was increased to 5.4 billion dollars, and in 1999, there was no limit. Now, what was happening was that Iraq was not accepting these Resolutions, and there was a Resolution '986' of 1995 on the 14th of April, which was passed by the Security Council, pursuant to which a MoU was entered into between the United Nations Administration and the State of Iraq, and it is important to look at the MoU. Just to mention, the MoU had two annexures, one for getting money for humanitarian aid and the other for procedures to sell the oil, and the procedures were set out in Annexure II of the MoU. And, what it said was that 'the State concerned or if the 661 Committee so decides, the National Petroleum Purchaser, authorised by the 661 Committee, shall submit to the committee for handling and approval of the application, including relevant contractual documents covering the sales of such petroleum or petroleum products for the purposed purchase of Iraq petroleum and petroleum products endorsed by the Government of Iraq or the Iraq State Oil Marketing Organisation, SOMO. The method was that if Iraq has to sell oil, there

is a 661 Committee. The clearances have to be taken through that Committee. A contract has to be entered into and unless SOMO or the State authorises that contract, no oil can be sold. The MoU was on the 20th of May. MoU between the Secretariat of United Nations and the Government of Iraq, pursuant to Resolution 986. So, this was the methodology. What was happening was, in effect, that pursuant to the earlier Resolutions, up to 30 per cent of the sale proceeds of Iraq oil could be given as compensation to Governments, individuals and entities in Kuwait for the damages of War. So thirty per cent of this never came back to Iraq and so between 1990-1995, about 1.5 million people died in Iraq, out of which 500,000 were children. Saddam Hussain accepted Resolution 986 because subsequently the Memorandum of Understanding was signed on 20th May, 1995, and this process continued from 1995 till September, 2000 when the voucher system started. The reason for the voucher system was- and I am not taking sides here. I am saying this because the House should know what really happened - - that since a large part of the money which were proceeds of the sale of oil were going towards reparations, not enough money was coming into Iraq to take care of their own people. So, Saddam Hussain who was a contracting party decided to set up this voucher system, so that some money could come back to Iraq. What he used it for, we are not concerned. That is how the voucher system started, and this voucher system in September, 2000 and ended in September, 2002, for the simple reason that by September, 2002, the United Nations Security Council Committee decided to set up a retroactive price mechanism. It did not allow the purchasers to know at what price they will ultimately be purchasing the oil. So, all of them lost interest. Thus, the voucher system came to an end. These are the facts.

Now, we all know, Mr. Chairman, Sir, that United Nations Resolutions are binding on States; they are not binding on individuals. If I, as an individual, or a businessman in India, violate a Resolution of the Security Council - 986, there is no liability. The liability will only occur if, pursuant to a UN Resolution, a law is passed in India, making it a criminal liability to violate a Resolution - - like it was done for terrorism under POTA; a UN Resolution was passed, a law was passed in India; it made it a criminal act and there was liability, So, no liability was attached to the violation of this Resolution, to an individual, to a political

party, to a businessman or to anybody. So, if I, as an individual, went to Iraq and knowingly violated the Resolution, there was no criminal liability attached to it. That is the state of the law. However, Governments could not violate, because Governments are State parties and they are parties to the Resolutions.

Now, what worries me here, and this is what really surprises me, is that the previous Government violated this law. They violated this law because a Minister of the previous Government, during the relevant days - - and he has given a statement on the 19th of November - - went to Iraq and said that he was aware of the voucher system and he allowed the Indian businessman to profit from it, showing complicity of the Government..*(Interruption)*...

SHRI S.S. AHULWALIA: He never said this.

SHRIKAPIL SIBAL: Yes, I have got a copy of the statement.

SHRI S.S. AHLUWALIA: A person who is not present in the House..*(Interruptions)*...

SHRI KAPIL SIBAL: What do you mean, 'not present in the House'..*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, this report says..*(Interruptions)*...

SHRI KAPIL SIBAL: Why are you worried? You always get up when you are worried..*(Interruptions)*...

SHRI S.S. AHLUWALIA: ...that the Minister was not responsible to the Oil Corporation..*(Interruptions)*...

they know Indian Oil Corporation refused to take oil..*(Interruptions)*... when they came to know that surcharge has been..*(Interruptions)*... you may please, read it..*(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: What point of order is he making?..*(Interruptions)*...

श्री सभापति : उन्होंने स्टेटमेंट दिया है, उस स्टेटमेंट को कोट कर रहे हैं ।*(व्यवधान)*...

श्री यशवंत सिन्हा : कहां से कोट कर रहे हैं?*(व्यवधान)*...

श्री सभापति : प्रैस में आया है*(व्यवधान)*... प्रैस में*(व्यवधान)*... आया है ।*(व्यवधान)*...

SHRI KAPIL SIBAL: I am entitled to quote from a newspaper.
..(Interruptions)...

SHRI YASHWANT SINHA: Let him authenticate the former Minister's statement ...(Interruptions)...

SHRI KAPIL SIBAL: I will come to you too, Mr. Sinha...(Interruptions)... I will come to you also.

श्री सभापति : बोलिए, बोलिए(व्यवधान)...

SHRI YASHWANT SINHA: Mr. Chairman, will you allow him to quote from a newspaper?... (Interruptions)...

SHRI KAPIL SIBAL: why not ... (Interruptions)...

MR. CHAIRMAN: This has been quoted so many times ... (Interruptions)..
This has been quoted so many times by both the sides.

SHRI YASHWANT SINHA: But can he quote from a newspaper?..
..(Interruptions)...

SHRI DIPANKAR MUKHERJEE: You could quote the Prime Minister from a newspaper and you say that 'you cannot quote Ram Naik' ... (Interruptions)...

SHRI YASHWANT SINHA: He was not part of the Government, but in this case he was part of the Government (Interruptions).... He was not part of the Government... (Interruptions)...

MR. CHAIRMAN: He may be part of the Government. But I have heard it so many times in the House; there have been so many times when Press reports have been quoted in the House. Nobody objected to that ... (Interruptions)...

श्री दीपाकर मुखर्जी : सच्चाई से इतना क्यों भागते हैं?(व्यवधान)...

श्री सभापति : आप बोलने दीजिए ।(व्यवधान).... अब है नहीं(व्यवधान).... आप सारे क्वेश्चन बता दीजिए(व्यवधान).... वे पूछ लेंगे(व्यवधान).... बैठ जाइए(व्यवधान)....

नीलोत्पल बसु : अहलुवालिया जी, इतना गुस्सा हो रहे थे बीच में(व्यवधान)...

श्री सभापति : गुस्सा आपने करा दिया(व्यवधान)...

श्री नीलोत्पल बसु : फूड फोर ऑयल(व्यवधान)...(व्यवधान)... कर दिया(व्यवधान)... किसका दबाव था(व्यवधान)... वह सब आने दीजिए न(व्यवधान)...

श्री सभापति : चलिए आगे चलिए।

SHRI KAPIL SIBAL: Mr. Chairman Sir, this Report of 19th November says— Mr. Naik, however, admitted that the businessman, who were part of the delegation, would have done business with Iraq. When a reporter said deals worth more than a billion dollars were done, Mr. Naik did not deny or contradict the claim. He said he did not have the figures. Asked whether he facilitated deals for the Indian companies, Mr. Naik said that as leader of the delegation, it was his business to do so.'

SHRI ARUN JAITLEY: What is wrong with that?...{Interruptions}... He never took oil coupons from anybody...(Interruptions)...

SHRI KAPIL SIBAL: Just a second. So, a Minister of the Government found it his 'business' to facilitate the deals of private Indian companies who bought oil on the basis of payment of surcharge! So, who violated the law? Not us, because we were in the Opposition. At that time the Government was not assisting us...(Interruptions)...You are the one who violated the Security Council Resolution. So, you should have lodged an FIR at that time ...(Interruptions)...You should have lodged the FIR at that time. Why did you not lodge the FIR? And, Mr. Chairman, Sir, this is not the only thing...(Interruptions)...

श्री सभापति : आपका मतलब यह है कि ये उस समय एफ.आई.आर. दर्ज करवाते?

श्री कपिल सिब्बल : बिल्कुल, अपने खिलाफ(व्यवधान)...

श्री सभापति : मेरी सुनिए(व्यवधान)... अब आप भी करवा दीजिए ।(व्यवधान)...

श्री कपिल सिब्बल : इनके खिलाफ करवाएंगे सर, बड़ी आएंगी, अभी तो बहुत आएंगी(व्यवधान)... ए This is not the end of the story...(Intenuptions)... This is not the end of the story, Mr. Chairman, Sir. Infact, a letter was written. After that statement, after that publication, in the *Al Maida*, a letter was written by the then Ambassador in Iraq to the then Foreign Secretary, to the then Foreign Secretary, stating."This newspaper report has come. What do

you say about it?" ...*(Interruptions)*... No actions was taken by the Government. Who was in power at that point of time? So, in 2001 when all this was happening and delegations were taken by them, by their Minister, knowing fully well that all this was happening, they chose not to raise the issue. Mr. Jaitley was then a Minister in that Government. He chose not to say anything about it. Please ask my learned friend, why he chose to make this issue in 2005; why he kept quiet in 2001; why did he not say this in 2001?

SHRI ARUN JAITLEY: My learned friend has named me. Let me just say in one sentence...*(Interruptions)*...

SHRI KAPIL SIBAL: You cannot interrupt ...*(Interruptions)*...

SHRI ARUN JAITLEY: Here is a Government which says you did not act...*(Interruptions)*...

SHRI KAPIL SIBAL: You cannot interrupt me. I am not yielding...*(Interruptions)*... So, you cannot interrupt me. ...*(Interruptions)*... We are acting. You choose not to act. We have set up an Inquiry Committee. You should have lodged an FIR. ...*(Interruptions)*...

SHRI ARUN JAITLEY: It is an eyewash. ...*(Interruptions)*...

SHRI KAPIL SIBAL: Now, I will explain on the eyewash issue. Now, my learned friend says that look this is an Inquiry Committee. He should know better, and Mr. Chidambaram, the Minister, will explain that this is not an Inquiry Committee. Under the provisions of the Commission of Inquiries Act, it is a Commission of Inquiry. It is deemed to be a Commission of Inquiry. My learned friends knows about it. So, it is not an Inquiry Committee. But still, you keep on saying "Inquiry Committee, Inquiry Committee". It is a Commission of Inquiry, under the Commission of Inquiries Act, without powers under 8(b) and 8(c). Those powers will be given under 8(b) and 8(c) when we get *prima facie* evidence either against Mr. Natwar Singh or the Congress Party. But, we are not going to presume ...*(Interruptions)*... We are not going to presume that an offence has been committed because Mr. Jaitley says so. ...*(Interruptions)*... We cannot presume that unless Mr. Jaitley produces the primary and the secondary evidence himself which he has chosen not to do. ...*(Interruptions)*... Obviously, nobody else has it. Even Mr. Volcker did not have it. He did not produce. I have shown you what the evidence was. Mr. Volcker does not

disclose what the primary evidence is; Mr. Volcker does not disclose what the secondary evidence is; Mr. Jaitley does not disclose what that evidence is. Mr. Jaitley reads an opinion of Mr. Volcker and says an offence is committed. I mean, my learned friend is a distinguished lawyer and he should know, he should know. That is why Mr. Advani said yesterday, "Had we known this before, we would not have come for a debate".

SHRI YASHWANT SINHA: Can he quote the Leader of the Opposition in the other House? ...*(Interruptions)*...

SHRI KAPIL SIBAL: I am not referring to the proceedings of the House. ...*(Interruptions)*...

SHRI YASHWANT SINHA: Sir, we do not refer to the proceedings of the other House. ...*(Interruptions)*...

SHRI KAPIL SIBAL: I am not referring to the proceedings of the other House. ...*(Interruptions)*...

SHRI YASHWANT SINHA: He being a Parliamentarian and not an amateur...*(Interruptions)*... Sir, you should at least expunge this. ...*(Interruptions)*...

MR. CHAIRMAN: I am not going to expunge this. ...*(Interruptions)*... I am not going to expunge. ...*(Interruptions)*...

SHRI YASHWANT SINHA: He is quoting the Leader of the Opposition. ...*(Interruptions)*...

SHRI KAPIL SIBAL: I am not quoting from the other House. ...*(Interruptions)*...

श्री सभापति : एक्सपंज करने की कोई जरूरत नहीं है*(व्यवधान)*...It may be quoted. Everything is going on everyday. ...*(Interruptions)*...

SHRI KAPIL SIBAL: I just heard it and that is why I am saying it. ...*(Interruptions)*... So, Mr. Chairman, Sir, I am really not going to take too much time. All that I want to say is that Mr. Jaitley started by making two points. Number one, political parties should not, on the basis of compensation received, decide on policies that are going to be implemented in India. He is absolutely right. No political party should do that. And, I do believe that those political parties who have done that in the past, on the basis of some Defence deals, should have been investigated. He is right. ...*(Interruptions)*...

SHRI ARUN JAITLEY: Are you referring to Bofors? ...*(Interruptions)*...

SHRI KAPIL SIBAL: So, as soon as we get any evidence against any political party, we will investigate and we will lodge an FIR and give all the powers under 166(A). No problem. That is my first answer. The second thing he said was that this is really a whitewash, it is a cover-up, we don't want to find out the facts. In fact, it's just the opposite. We want to find out the facts so that if the facts are available we can do what Mr. Jaitley wants. Now, he doesn't want us to do what he wants? What can I do? This is the problem. Therefore, I would request that these are very serious matters, to make allegations against the Prime Minister and against high dignitaries of the State, saying that they are weak or they had not followed the highest principles of integrity, is not something that should be said without the kind of seriousness that such a remark deserves.

Mr. Chairman, Sir, I remember when Judev tapes were brought to light, what the then Prime Minister said. I will just quote that and then, end my intervention. I will tell you, Sir. Anyway, I remember what he said. He said वह जो पैसा था, कौन सी आस्ट्रेलियन कंपनी ने दिया था, यह नहीं पता चला। ये सारी पिक्चर बड़ी हेजी थी। इसलिए हमने एक प्रिलिमिनरी इन्क्वायरी की है, हमने एफआईआर लॉज नहीं की and that preliminary inquiry went on. Mr. Vajpayee believed in the principle that no man can be held guilty without due process. "Every man is innocent till he is proven guilty" is what their Prime Minister used to say and now he doesn't want to accept that very principle which is espoused by his own Prime Minister. So, I would suggest that serious allegations of this nature ...*(Interruptions)*..

श्री सभापति : यह रेकार्ड पर नहीं जा रहा है। माननीय सदस्य, आप बैठ जाइए।

श्री कपिल सिब्बल : सर, मैं इसका जवाब दे दूँ। जब नटवर जी इराक गए थे, as an individual, he was without portfolio और आज के दिन भी he is without portfolio ...*(Interruptions)*... So, there is no change that has taken place. Thank you very much.

SHRI SITARAM YECHURI (West Bengal): Thank you, Sir. Mr. Chairman, Sir, I think Mr. Kapil Sibal has put up a very spirited defence of the Government's case. But I would like to begin, Sir, by actually welcoming this discussion because I think it's after a long time that we have a discussion in the House on matters of graft and corruption that are actually taking place after the last six years. Somehow, I mean, unfortunately, we

3.00 P.M.

did not manage to get a proper discussion organised and since this is taking place, I would like to compliment the Government also for having announced an inquiry. We, as CPI (M), were one of the earliest among the political parties to have asked for a full-fledged inquiry despite the fact that many of the issues, which Mr. Kapil Sibal has now referred to, there are question marks that have arisen which I would also want to clarify. But we are very happy that the Commission of Inquiry has been established and if there are any lapses which our learned colleagues from the Opposition have raised, I am sure they will take them into account and, I am sure, this inquiry will proceed and come up with its conclusions and investigations as soon as possible.

But, Sir, I would like to begin also with a certain shift in stand that has occurred. What was served yesterday, in the List of Business, with your permission, I would just like to read it out. That has obviously been changed today. I welcome that change. It is a good change. But it also says that there is shift in sense. I mean the positions have been shifted. I hope they will actually shift for better because yesterday.. *(Interruptions)*...

MR. CHAIRMAN. That is not the case...*(Interruptions)*...

SHRI S.S. AHLUWALIA: It is done without my permission.

श्री सभापति : मैं बता रहा हूँ, आप बैठ जाइए। यह इनके परमिशन से नहीं हुआ है। यह मैंने किया है। I will explain.

श्री सीताराम येचुरी : आपने किया है तो ठीक है ...*(व्यवधान)*... सर, मैं आप पर इलजाम नहीं लगा रहा हूँ। आप नाराज क्यों हो रहे हैं?

श्री सभापति : आपका स्टैण्ड वही होगा। लेकिन यह मैंने किया है।

SHRI SITARAM YECHURY: I can continue, Sir. Since you have made the change, I am sure you will explain it. Then, I am not going to make that an issue. But I would like to discuss some of these issues in the larger context because, on the question of corruption, if there are people involved in corruption, if there is a *prima facie* case that can be proved, action should be taken. We are happy to note that the Minister has given an assurance to the House that it will -be proceeded upon to the full, and action would be taken, and that is the assurance, which we believe, the

Government is giving to the House, which is welcome. But I think, it should also be seen in the larger context because, what we are discussing now, is the final report of the Independent Inquiry Committee. Mr. Kapil Sibal has quoted, and I have also got a copy of the interim report that was submitted very strangely to the International Relations Committee of the House of Representatives of the United States of America, where which is quoted, these names come in. But, what Mr. Sibal has not really said was that the newspaper from where this information has been taken, that is, the *ALMADA*. *ALMADA* actually belongs to Mr. Ahmad Chalabi, who was the then Head of the Iraqi National Council, and till mid 2004, was the Pentagon's Chief Advisor on Iraq, and Washington's candidate for the Presidency. It is his newspaper, and that is where the list first appeared in which these names are written. In the first list, Mr. Natwar Singh's name does not appear at all. There are two entities that have been mentioned, that is, Mr. Bhim Singh, which is called Biham Singh or Bhima Singh, whatever it is, and the Indian National Congress, and later, subsequently, these names are added in the final report. We see in table 3, which was quoted a number of times, on oil sales by non-contractual beneficiaries, there are 4 individual entities listed in that list. They are, the Congress Party, Shri Bhim Singh, Shri Natwar Singh and the Reliance Petroleum Limited. Now, these are the 4 entities that are listed in table 3. In the other section, there are 129 Indian companies that are listed, in which there is the State Trading Corporation, there is Balmer and Lawrie, which is also a State-run corporation, and we would like the Government also to give this assurance that all these companies will also be looked into, and it is not only confined to this...*(Interruptions)*...

SOME HON. MEMBER: What about Reliance?

SHRI SITARAM YECHURY: No, no. I will leave it to the Finance Minister, and I am sure that he will take this into account when he replies. But in the larger context, I wanted to draw the attention of the House to the fact that Mr. Kapil Sibal made a passing reference to Mr. Paul Volcker, who was the Chairman of the United States Federal Reserves, and therefore, he was intimately associated with the pursuit of international finance capital, which the Government of United States pursues. The other leading member, Mr. Richard Gladstone, a former White Judge from South Africa, he was the prosecutor of the International Criminal Tribunal for Former Yugoslavia, a body set up to prosecute mainly the Serbian adversaries of NATO in the

Balkans. That is the background of Mr. Gladstone. The third one resigned. He resigned because of the alleged manipulation of the records in order to protect the United Nations Secretary-General. Such were the reports in the international media and therefore, the third person resigned. But the text of report should not blind us to the context which is equally important. It would be recalled that the Secretary-General, Kofi Annan had, at one point of time, told the BBC that the US action in Iraq was illegal. The sanctions imposed by the United States and the U.K. and the pliable U.N. Security Council on Iraq were clearly illegal in terms of International Law. In International Law, there is a concept called "*Jus Cogens*", which is a pre-emptory and the customary international law, which no treaty, and no Security Council decision can supersede, and in the case of Iraq, the principle of "*Jus Cogens*" was violated, and all of us know what was the result of that. A million children died, and in fact, at that point of time, Madeleine Albright, the Secretary of State of the United States of America has gone on record to say that, this is "worth the price". A million children lost their lives. This is called collateral damage. So many people were being put to immense hardships by what we consider, an illegal sanctions regime imposed on Iraq, and in fact, my party has been part of the international solidarity. We collected medicines for Iraqi students. Yes, we violated, as Mr. Kapil Sibal said, not as a Government, but as individuals. We violated the Resolution of the Security Council and we were feeling that we had a right to do that and we had done that. But, at that point of time, because of the international outcry, this Oil-for-Food Programme began. This is part of the international pressure by which the United States and the UN were forced to start this programme in order to provide some avenues for humanitarian assistance for the Iraqi people, which were actually being suppressed by these sanctions. Therefore, what we in this context think is that we in India, in this debate, have to concentrate on whether political influence was exerted, any impropriety was committed and any domestic Indian law was broken. These are the three objectives that we will have to actually pursue. In this context, we welcome the Commission of Inquiry and we also welcome the fact, which the Finance Minister had informed the other House yesterday, that the Special Envoy and the Director of Enforcement had, in fact, returned with a lot of material, with a lot of data. They have done good work in a short time, which should not have been possible without the groundwork done by our permanent Mission in New York. However, we are little concerned about some media comments

attributed to this team. In fact, why I say this is that Mr. Volcker has himself said that he has not carried out any forensic examination of the documents, neither has he vouched that these documents are authentic. That is what you have said just now. But when the Special Envoy was asked, he said that these documents were authentic. Now, the reason why. ...*(Interruptions)*...

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): What he said was that this document had to be authenticated by our permanent , Mission from the documents available with...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, we are not presuming that they are. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: This, I think, Yashwant Sinha ji knows. Our Embassy, our Mission has to authenticate any document. That is what he said. This is an authenticated document. This is not an authentic document.

SHRI SITARAM YECHURY: I stand corrected and satisfied. I don't want a certificate of authenticity to be given to this document. But why I am trying to draw the attention to this particular statement is that we should see what has happened to many of these people from other countries who were referred to in the Volcker Committee Report. If I can say, there are special sections in the Volcker Committee Report on Russia and France. I just want to quote, with your permission, Sir, the Press release of the Ministry of Foreign Affairs of the Russian Federation because it is quite revealing. In fact, the Russian Foreign Minister, Mr. Lavrov, said and I quote:

"The need for a thorough examination of all the circumstances cited in the Report regarding Russian participation in the Oil-for-Food Programme is prompted, in particular, by the fact that in a number of earlier cases the Commission gave us some rather questionable or downright fake documents. The Russian side has repeatedly queried the Commission about the sources from which such documents were obtained but has never received any answer."

The Russian Foreign Affairs Minister is on record.

Then, we know the famous Galloway case and all of us have gone through it, it is very informative. He was accused of having received a huge amount of money from Saddam Hussein because he opposed the sanctions. Last year, The Daily Telegraph which published those

accusations had not only to apologise but also to pay a hefty compensation to Mr. Galloway for making wrong accusations. The point that I want to make, Mr. Chairman, Sir, is that we want the Government to inquire into these aspects as well, not merely to stop by saying that there is no evidence of any graft, but actually go into the larger context in which this Report has come and also cover all other entities and Indian companies. We spoke of the FEMA. If they have avoided any tax, you please go into all that and do it.

The next point which I want to talk about is that the oil-for-Food Programme has been a programme which is under a lot of cloud and the Report itself has created a lot of controversy in many countries. In fact, it is understood that a Member of the Volcker Committee, as I mentioned earlier, has resigned because of the manipulation of evidence to exonerate Mr. Kofi Annan. Apart from that, now the US Congress is hearing this evidence and the Henry Hyde Report—the Committee which you have referred to—is expected time. In this background, all those who had criticised the US sanctions are also being targeted is a fact which we can't ignore.

There is also the political context in which this report has come. An the role of the United States of America in bypassing that Special Committee 661. Mr. Kapil Sibal referred to it, and in creating the avenues for such opportunities for graft and corruption to take place, to begin with. If that bypassing was not done primarily by the USA, these opportunities for graft and corruption might not have existed. But these are also the issues that require attention and probe. We may not be competent ourselves to probe into this aspect. But India, as a country, will definitely have to raise these issues at the international body and insist that this also must be properly inquired into.

Finally, I want to raise a point which is of great concern to us here in India which is that we need to probe objectively and thoroughly any exercise of undue political influence, any commission of impropriety, any violation of domestic Indian law. All this is needed to be done. There is no dispute on that. But at the same time, we have to be vigilant that we do not let this be used to facilitate the dominance of US imperialism in India. I am saying that very clearly and candidly because it would be a great pity if those who want to serve these interests in India try to use this probe—I don't mean the Indian probe that we have ordered, but the Volcker probe as a whole -

use this Volcker probe strengthen the US interests in our country. These sections would do well to look at recent reports in the international press from which it is clear that even such a loyal junior partner of the USA like the UK is finding it difficult to obtain even routine military equipment from the USA except through a complicated process because the US Congress is refusing to give blanket waivers. Only Canada gets it today. The reason why I am raising this is— may sound Exe a digression—that we are in the midst of another big and important issue that is concerning our country and that is on the question of atomic cooperation with the USA. Therefore, I want to draw your attention that this should not be used to cloud the other problems that we will face from US pressures like we have the assertion of the US Congress that it wants to make India first divide its civilian and military programmes and also, then try and scuttle the thorium programme, etc. All these are issues in the background of which we must, in today's context, see this entire Volcker controversy. I would only want to submit before the House and before all of you that please proceed with this inquiry as soon as possible. Please come out with the facts so that the nation is put at rest and also keep the larger political implications of this in mind and understand the implications of this and not be swayed by the questions of authenticity of the findings of this report, conclusions of this report, as has been explained.

At the same time, the final issue that I want to refer to, as Mr. Jaitley said this morning, is the larger question of Indian politicians being funded from abroad. Various other books were named and various other things have been brought out here. Sir, I have with me a document and a publication which is called the 'Foreign Exchange of Hate'. I would like to give it to you.

SHRI KAPIL SIBAL: That is another.FDI!

MR. CHAIRMAN: Don't bring all these things here.

SHRI SITARAM YECHURY: The point I want to submit is that if you want to discuss it, I am prepared and we are prepared to discuss this entire question of foreign funding of politicians and political processes. But that should be comprehensive. Here is that entire thing. I would like to submit it to you for your perusal, if you so permit, the entire documentation of how foreign money has come in for the spread of hate and communal campaign in India. All that is here. Sir, I will give it to you for your perusal and later on we can discuss it.

MR. CHAIRMAN: I will certainly like to read it.

SHRI SITARAM YECHURY: Thank you. Sir.

***श्री शाहिदी सिद्दीकी :** चेयरमैन साहब, मैं आपका बहुत शुक्रगुजार हूँ, जो आपने मुझे बोलने का मौका दिया। सबसे पहले आज मैं सदन को इस बात के लिए बहुत बधाई देना चाहता हूँ और अब तक जो स्पीकर बोले हैं, उन्हें भी बधाई देना चाहता हूँ कि बहुत समय बाद आज एक ईमानदाराना बहस और एक अच्छी बहस इस सदन में सुनने को मिली है।

चेयरमैन साहब, मैं कहना चाहता हूँ कि जो शीशे के घर में रहते हैं, उन्हें दूसरो पर पत्थर नहीं फेंकने चाहिए। बदकिस्मती यह है कि चाहे वे इधर के साथी हों या उधर के साथी हों, बार-बार यह होता रहा है कि जहां कहीं किसी मामले में किसी राजनीतिज्ञ का नाम आ गया, पोलिटिशियन का नाम आ गया, तो इन्हें किसी सबूत की जरूरत नहीं रह जाती और यह मान लिया जाता है कि वह मुलजिम है और आरोप उस पर ऐसे ही मान लिया जाता है।

यह एक गलत परम्परा चल रही है। हमने उस वक्त भी विरोध किया था, जब जार्ज फर्नान्डीज साहब को निशाना बनाया गया था, हम आज भी विरोध करते हैं, जब इस तरीके से निशाना बनाया जा रहा है। हम इसके विरोधी हैं। हम यह

(श्री उपसभापति महोदय पीठासीन हुए)

समझते हैं कि पूरी तरह से ईमानदारी से इन्क्वायरी होनी चाहिए इन मामलात में, क्योंकि पोलिटिशंस को इमेज पहले ही बहुत ज्यादा खराब है इस देश के अंदर। आज हमारी कुछ क्रेडिबिलिटी नहीं रह गई। अगर क्रेडिबिलिटी हमें लानी है। तो इस परम्परा को बदलना पड़ेगा। यह बदलती क्यों नहीं? क्योंकि आप कहते हैं कि हमारे साथ इन्होंने ऐसा किया था, इसलिए हम इनके साथ ऐसा करेंगे। इन्होंने स्टॉल किया था हाऊस को, आज हम स्टॉल करेंगे हाऊस को। लेन-देन का जिस तरह से पठानों के बीच में होता था कि तूने कत्ल किया मेरे दादा के पड़दादा को, आज तेरे बेटे को मैं कत्ल करूंगा और चलती जाती है परम्परा। इस परम्परा को देश के हित में, लोकतंत्र के हित में खत्म करना होगा, यह हमारा मानना है, हमारी पार्टी का मानना है।

हम यह भी कहते हैं कि आज जिस मामले पर बहस हो रही है जिस तरह से यह उठाया गया, हम उससे सहमत नहीं हैं, लेकिन जो इनका निशाना था, जो मुद्दे उठाए हैं, हम उनसे सहमत हैं। हम समझते हैं कि जो करप्शन है, उस पर ट्रांसपेरेंसी होनी चाहिए, उस पर खुलकर बात होनी चाहिए। कहीं न कहीं कसूर आपका भी है, कन्फ्यूज्ड आप भी हैं। जैसा सिब्बल जी ने कहा कि कोई केस नहीं था, मामला नहीं था और आपने सवाल उठाया वोल्कर की विश्वसनीयता पर, उसकी क्रेडिबिलिटी पर सवाल उठाया, तो फिर क्या जरूरत थी कि नटवर सिंह जी को हटाया जाता विदेश मंत्रालय से?

*The speech originally delivered in Urdu.

आपने अपनी गिल्ट खुद तसलीम की। आपने उन्हें हटाया और अगर हटाया था तो फिर वे केबिनट से कुछ दिन के लिए बाहर रहते। आपने आधा अधूरा काम किया – आप न इधर के हैं, न उधर के हैं। आप पूरा खेल भी नहीं खेला चाहते, यह आपने किया। दाल में कुछ काला था, आपने समझा कि दाल में कुछ काला है, आपके चेहरे पर दाग लगने वाला है, इसलिये आपने उन्हें हटाया। तो अगर दाल में कुछ काला है, तो फिर केबिनट से उन्हें हटाइए और ईमानदारी से इस पर इक्वायरी हो जाने दीजिए। क्या गजब हो जाएगा, इक्वायरी हो जाती है और अगर उन पर कोई दाग नहीं है तो वापिस आ जाएंगे वे।

इसके बाद मैं कहना चाहता हूँ कि हम बात के लिए प्रशंसा करते हैं मन मोहन सिंह जी की, क्योंकि उनका चेहरा बेदाग है, बहुत साफ चेहरा है उनका और उस चेहरे पर हम नहीं चाहते कि कोई दाग लगे। हम इस बात के लिए कांग्रेस अध्यक्षा की भी बहुत ज्यादा प्रशंसा करते हैं कि उन्होंने खुले तौर पर एक अखबार की मीटिंग में कहा कि उनको इस पर दुख है, यह जो हुआ है, गलत हुआ है और उन्होंने नाराजगी जाहिर की, बहुत नाराजगी जाहिर की, तो अगर नाराजगी जाहिर की है, अगर आप इस बात को मान रहे हैं कि कहीं दाल में काला है, अगर आप अपने मंत्री को हटा रहे हैं, फिर इक्वायरी को ईमानदारी से कराइए। इक्वायरी को आधा-अधूरा खेल मत कीजिए, इक्वायरी इस तरह से हो कि लोगों को विश्वास हो। मान्यवर, इस देश में परसैप्शन असल खेल हैं। इस देश में असल चीज यह नहीं है कि सच्चाई क्या है, इस देश में क्या दुनिया में कहीं भी पब्लिक लाइफ में परसैप्शन असल चीज है, खास तौर से हमारे यहां। यह मर्यादा पुरुषोत्तम श्रीराम का देश है कि जहां पर एक धोबी का परसैप्शन था, तो उस परसैप्शन को दूर करने के लिए उन्होंने सीता से कहा कि जाओ तुम्हारी अग्नि परीक्षा होगी। तो इस देश के अंदर आपको परसैप्शन के हिसाब से चलना होगा और आज परसैप्शन यह है कि जो इक्वायरी कमेटी या कमीशन, यह अभी स्पष्ट नहीं है, आपने बिठाया है, यह ट्रांसपेरेंट नहीं है, वह ठीक तरह से काम नहीं कर रहा है।...(व्यवधान)...

श्री रुद्रनारायण पाणि : उपसभापति जी, मैं...(व्यवधान)...

श्री उपसभापति : पाणि जी, आप बैठिए, वे अच्छा बोल रहे हैं। बीच में जरूरत नहीं है आपको बोलने की।

श्री शाहिद सिद्दीकी : मान्यवर, दयाल कमेटी आपने बनाई, वह कमेटी यूनाइटेड नेशंस में कोफी अन्नान साहब के पास गई और उन्होंने विदइन मिनट, जो मैंने रिपोर्ट पढ़ी है अखबार की कि विदइन मिनट, उन्होंने तैयार रखे हुए थे, 1000 पेज, वे 1000 पेज के डाक्यूमेंट्स उनके हवाले कर दिए और जिस तेजी से उन्होंने डाक्यूमेंट्स हवाले किए हैं, 1000 पेज के, आपने उस तेजी से उनको देश के सामने नहीं रखा और आपने कहा है कि एन्फोर्समेंट डायरेक्टोरेट के हवाले कर

दिए हैं हमने फरदर इन्वेस्टिगेशन के लिए। बहुत अच्छी बात है फरदर इन्वेस्टिगेशन होना चाहिए, दूध का दूध, पानी का पानी होना चाहिए, मैं इनकी बात से ऐग्री नहीं करता कि आप बगैर इन्वेस्टिगेशन किए हुए, बगैर अथटिकेट किए हुए डाक्यूमेंट्स को उनको पेश कर दें, लेकिन साथ-साथ मुझे समझ में नहीं आता कि इसमें कोई दिक्कत है यदि उन डाक्यूमेंट्स की एक कॉपी को आप पाठक कमीशन के हवाले भी कर देते। अगर एक कॉपी पाठक कमीशन के पास आ जाए, क्योंकि इसके 1000 पेज हैं, उनके लिंकेजिज भी देखने हैं किन-किन और डॉक्यूमेंट्स की आवश्यकता है वह भी देखना है। अगर तीन-चार महीने एन्फोर्समेंट डायरेक्टरेट लगा देगा और उसके बाद वह पाठक कमीशन के पास जाएगी, फिर कमीशन फर्दर और डॉक्यूमेंट्स मांगेगा, ईराक से डॉक्यूमेंट्स मांगेगा, जॉर्डन के बैंक से, डॉक्यूमेंट्स मांगेगा, दूसरे अन्य डॉक्यूमेंट्स मांगेगा तो समय बीतता चला जाएगा। मैं नहीं समझता कि आपका मकसद या मनमोहन सिंह जी का मकसद अथवा कांग्रेस अध्यक्षा का यह मकसद होगा कि समय बिताओ, पर्दा डालते जाओ, बात को छुपाते जाओ। मैं नहीं समझता कि आपका यह मकसद है, मैं समझता हूँ कि आपका मकसद सच्चाई को समाने लाना है, दूध का दूध, पानी का पानी करना है। उसके लिए अगर सच्चाई समय पर लोगों के सामने नहीं आएगी तो लोगों के मन में शको शुबा तो पैदा होगा ही, उसके ऊपर स्पेकुलेशन तो होगा ही, मीडिया रिपोर्ट्स तो आएंगी ही। अभी भी मीडिया रिपोर्ट्स आ रही है कि जो एक हजार पेज हैं, उनमें क्या है। मैं उसमें नहीं जाना चाहता कि उन हजार पेजों में क्या है, बैंक्स के डॉक्यूमेंट्स हैं अथवा बैंक ऑफ जॉर्डन के किन लोगों ने पैसा लिया है या दिया है, उसकी स्पेकुलेशन है। वह कितनी सच्ची है, कितनी झूठी है, मैं नहीं कह सकता, आप ही बेहतर बता सकते हैं क्योंकि वे डॉक्यूमेंट्स आपके पास हैं। इसलिए बेहतर यह होगा कि उन्हें आप हाऊस के सामने रख दें, देश के सामने रख दें। अगर आप यह भी नहीं कर सकते तो उन्हें आप पाठक कमीशन के हवाले कर दें। मेरी यह मांग है कि जो डॉक्यूमेंट्स आए हैं, उसकी एक कॉपी फोरन पाठक कमीशन के हवाले होनी चाहिए। ताकि वह उसके ऊपर अपना काम शुरू कर दे। वह एन्फोर्समेंट डायरेक्टरेट के डायरेक्शन के इंतजार में न बैठे कि वहां से डायरेक्शन आएंगे कि ये डॉक्यूमेंट्स ठीक हैं और ये डॉक्यूमेंट्स गलत हैं। यह नहीं होना चाहिए। हमें बड़ा दुःख है, क्योंकि हम चाहे विरोध में हों या समर्थन में हों, कांग्रेस इस देश का इतिहास है, इस देश की परम्परा है और कांग्रेस पार्टी पर जब कोई दाग लगता है, जब कोई अंगुली उठती है, तो पूरे देश का दिल दुखता है, पूरी दुनिया में हिन्दुस्तान का नाम बदनाम होता है। इसलिए आज अगर कांग्रेस की तरफ यह अंगुली उठी है तो मैं समझता हूँ कि कांग्रेस के लिए यह बताना और देखना जरूरी है कि आखिर वे कौन लोग थे क्योंकि बाकी इन्वेस्टिगेशन तो होता रहेगा, दोनों वकील ही बहुत अच्छे थे। आप कानून की लड़ाई लड़िए, हम तो वकील नहीं हैं। हम तो जनता के वकील हैं, हम आम आदमी के वकील हैं और आम आदमी इसमें नहीं जाता कि कानून की बारीकी क्या है, हम आम आदमी के वकील हैं और आम आदमी इसमें नहीं आता कि कानून की बारीकी क्या बताती है या एफआईआर किस हालत में हो सकता है, किसमें नहीं हो सकता है। आम आदमी

का वकील यह कहता है कि एक बात सामने है कि पैसा लिया गया और पैसे में से, चाहे उसे आप संरचार्ज कह लीजिए या फिर कुछ और कह लीजिए, ईराक को दिया गया, बैंक ऑफ़ जॉर्डन को दिया गया। एक अदलीय संहगल नाम के आदमी ने पैसा दिया। अदलीय संहगल का संबंध किससे है, वह जग जाहिर है, जगत सिंह से उनका संबंध जग जाहिर है, इस प्रकार उनका हमारे श्री नटवर सिंह जी से क्या संबंध था, यह जग जाहिर है। हम उनका बहुत ही सम्मान और इज्जत करते हैं। हम यह भी जानते हैं कि नटवर सिंह जी कांग्रेस अध्यक्ष के कितने करीब है और हमेशा से उनकी कितनी अहमियत रही है और उनका कितना सम्मान रहा है। उन्होंने अपने एक इंटरव्यू में कहा था, मैंने भी वह देखा था, उन्होंने कहा कि मैंने जो कुछ किया है या मैं आज तक जो करता आया हूँ, कांग्रेस का नहीं, मैं नेहरू परिवार का सिपाही हूँ और मैं नेहरू परिवार के कहने पर करता आया हूँ। इसलिए अगर केस ऐसा है तो फिर कांग्रेस के लिए यह सवाल उठता है कि कांग्रेस अपना चेहरा कैसे साफ करेगी, कैसे बचाएगी, क्योंकि यह कांग्रेस का सवाल नहीं है, यह देश के चेहरे पर दाग लगने से बचाने का सवाल है।

जहां तक हमारी पार्टी का संबंध है, हम आपके साथ हैं। हमने यूपीए का समर्थन इसलिए किया है क्योंकि हम कम्युनल फोर्सिज का विरोध करते हैं। आज भी करते हैं। और आगे भी करते रहेंगे। हम कम्युनल फोर्सिज के साथ नहीं खड़े हो सकते, लेकिन इसका यह मतलब नहीं है कि हम भ्रष्टाचार को खुली लगाम दे दें। सेक्युलरिज्म के नाम पर भ्रष्टाचार होता रहे और हम तमाशाई बने रहें। हम तमाशाई नहीं बन सकते हैं। अगर इस नाम पर भ्रष्टाचार होगा तो हम भ्रष्टाचार का विरोध करेंगे। हमने समर्थन किया है समर्पण नहीं किया। हमारी पार्टी ने आपके सामने समर्पण नहीं किया है। अगर इस देश को कम्युनलिज्म से खतरा है, तो इस देश को भ्रष्टाचार से भी बराबर खतरा है। अगर हम इन दोनों खतरों से नहीं लड़ेंगे तो इस देश को हम आगे नहीं ले जा सकते। अगर ये कहेंगे कि सिर्फ भ्रष्टाचार से लड़ो, कम्युनलिज्म से नहीं लड़ो तो यह देश के हित में नहीं है। आप कहेंगे कि भ्रष्टाचार को चलने दो, सिर्फ कम्युनलिज्म से लड़ो, हमारे साथ आ जाओ तो यह भी गलत है। दोनों बातें देश के हित में नहीं हैं। इसलिए मैं आपसे और हाउस से यह कहना चाहता हूँ कि अगर देश को आगे ले जाना है तो ईमानदारी से कम्युनलिज्म से भी लड़ना होगा और भ्रष्टाचार से भी लड़ना होगा और हमारी पार्टी हमेशा इस मामले में पूरी तरह से, पूरी ताकत से, पूरी ईमानदारी से लड़ती रहेगी। और मैं चाहूंगा कि सेक्युलरिज्म को सिर्फ एक मुखौटा न बनाया जाए अपने करप्शन को छिपाने का, सेक्युलरिज्म जरूरी है। सेक्युलरिज्म में हम सब साथ हैं, लेकिन इस मामले में हम आपके साथ नहीं चल सकते। इसलिए जहां हम इनके तरीकाकार से एग्री नहीं करते, मैं नहीं समझता था कि तीन दिन हाउस नहीं चलने की जरूरत थी, हाउस को चलना चाहिए, यह डिबेट की जगह है। इसलिए हम इनसे न सहमत होते हुए और इनके भ्रष्टाचार का विरोध करते हुए यह फैसला हमने किया है कि हम आज वाक-आउट करेंगे ...**(व्यवधान)**...

श्री रुद्रनारायण पाणि : सर, ...(व्यवधान)*

श्री उपसभापति : आप बैठिए, आप बैठिए, प्लीज पाणि जी जो बोलेंगे वह नहीं जाएगा। जब कभी भी वे उठेंगे तो रिकार्ड में नहीं जाएगा।

श्री शाहिद सिद्दीकी : हम आज एक्स्टेन करेंगे, हम आज वाक-आउट करेंगे। हम आपसे यह नहीं कहेंगे कि आप सी0बी0आई0 इन्क्वायरी कराइए, हम आपसे यह भी नहीं कहते कि आप एफ0आई0आर0 कराइए, हम आपसे सिर्फ इतना कहते हैं कि इन डॉक्यूमेंट्स को जो डॉक्यूमेंट्स यूनाइटेड नेशंस ने आपको मिनटों में दे दिया है, आप भी चन्द दिनों के अंदर उनको पाठक कमीशन के हवाले कर दीजिए, सदन के पटल पर आप उनको रख दीजिए, देश के सामने उनको ले आइए ताकि सच्चाई सामने आ सके और हम ईमानदारी से फैसला कर सकें कि यह गलत है, आरोप आपके ऊपर गलत है। हम डिफेंस कर सकें, हम चाहेंगे कि हम नटवर सिंह जी का डिफेंस करें, हम चाहेंगे कि कांग्रेस पार्टी पर यह दाग न लगे, उसके लिए ये डॉक्यूमेंट्स आप सामने रख दीजिए। बहुत-बहुत शुक्रिया। धन्यवाद।

شری شاہد صدیقی "اترپردیش" : چیئرمین صاحب، میں آپ کا بہت شکر گزار ہوں، جو آپ نے مجھے بولنے کا موقع دیا۔ سب سے پہلے آج میں اس سدن کو اس بات کے لئے بہت بدھائی دینا چاہتا ہوں اور اب تک جو اسپیکر بولے ہیں، انہیں بھی بدھائی دینا چاہتا ہوں کہ بہت سمے کے بعد آج ایک ایماندارانہ بحث اور ایک اچھی بحث اس سدن میں سننے کو ملی ہے۔

چیئرمین صاحب، میں کہنا چاہتا ہوں کہ جو شیشے کے گھر میں رہتے ہیں، انہیں دوسروں پر پتھر نہ پھینکنے چاہئیں۔ بدقسمتی یہ ہے کہ چاہے وہ ادھر کے ساتھ ہی ہوں یا ادھر کے ساتھ ہی ہوں، بار بار یہ ہوتا رہا ہے کہ جہاں کہیں کسی معاملے میں کسی سیاست داں کا نام آگیا، پالیٹیشن کا نام آگیا، تو انہیں کسی ثبوت کی ضرورت نہ رہ جاتی اور یہ مان لیا جاتا ہے کہ وہ ملزم ہے اور آروپ اس پر ایسے ہی مان لیا جاتا ہے۔

یہ ایک غلط پرمپرا چل رہی ہے۔ ہم نے اس وقت بھی ورودہ کیا تھا، جب جارج فرنانڈیز صاحب کو نشانہ بنایا گیا تھا، ہم آج بھی ورودہ کرتے ہیں، جب اس طریقے سے نشانہ بنایا جا رہا ہے۔ ہم اس کے ورودہ ہی ہیں۔

"شری اپ سبھا پتی صدر نشی ہوئے"

*Not recorded.

† Transliteration in Urdu script.

ہم یہ سمجھتے ہیں کہ پوری طرح سے ایمانداری سے انکوائری ہونی چاہئے ان معاملات میں، کیوں کہ پولیٹیشن کی امیج پہلے ہی بہت زیادہ خراب ہے اس دیش کے اندر۔ آج ہماری کچھ کریڈیبلٹی نہیں رہ گئی۔ اگر کریڈیبلٹی ہمیں لانی ہے تو اس پرمپرا کو بدلنا پڑیگا، یہ بدلتی کیوں نہیں؟ کیونکہ آپ کہتے ہیں کہ ہمارے ساتھ انہوں نے ایسا کیا تھا، اس لئے ہم ان کے ساتھ ایسا کریں گے۔ انہوں نے اسٹال کیا تھا ہاؤس کو، آج ہم اسٹال کریں گے ہاؤس کو۔ لین دین کا جس طرح سے پٹھانوں کے بیچ میں ہوتا تھا کہ تو نے قتل کیا میرے دادا کے پردادا کو، آج تیرے بیٹے کو میں قتل کرونگا اور چلتی جاتی ہے پرمپرا۔ اس پرمپرا کو دیش کے ہت میں، لوگ تنز کے ہت میں ختم کرنا ہوگا، یہ ہمارا ماننا ہے، ہماری پارٹی کا ماننا ہے۔

ہم یہ بھی کہتے ہیں کہ آج جس معاملے پر بحث ہو رہی ہے، جس طرح سے یہ اٹھایا گیا، ہم اس سے سہمت نہیں ہے، لیکن جو ان کا نشانہ تھا، جو مدعے اٹھائے ہیں، ہم ان سے سہمت ہیں۔ ہم سمجھتے ہیں کہ جو کرپشن ہے، اس پر ٹرانسپیریسی ہونی چاہئے، اس پر کھل کر بات ہونی چاہئے۔ کہیں نہ کہیں قصور آپ کا بھی ہے، کنفیوژڈ آپ بھی ہیں۔ جیسا سبل جی نے کہا کہ کوئی کیس نہیں تھا، معاملہ نہیں تھا اور آپ نے سوال اٹھایا وولکرکی وشواسنیتا پر، اس کی کریڈیبلٹی پر سوال اٹھایا، تو پھر کیا ضرورت تھی کہ نٹور سنگھ جی کو بٹایا جاتا ودیش منترالیہ سے؟ آپ نے اپنی گلٹ خود تسلیم کی۔ آپ نے انہیں نہیں بٹایا اور اگر بٹایا تھا تو پھر وہ کیبنیٹ سے کچھ دن کے لئے باہر رہتے۔ آپ نے آدھا ادھورا کا کیا۔ آپ نے ادھر کے ہیں، نہ ادھر کے ہیں، آپ پورا کھیل بھی نہیں کھیلنا چاہتے، یہ آپ نے کیا۔ دال میں کچھ کالا تھا، آپ نے سمجھا کہ دال میں کچھ کالا ہے، آپ کے چہرے پر داغ لگانے والا ہے، اس لئے آپ نے انہیں بٹایا۔ تو اگر دال میں کچھ کالا ہے، تو پھر کیبنیٹ سے انہیں بٹائیے اور ایمانداری سے اس پر انکوائری ہو جانے دیجئے۔ کیا غضب ہو جائے گا؟ انکوائری ہو جاتی ہے اور اگر ان پر کوئی داغ نہیں ہے، تو واپس آجائیں گے وہ۔

اس کے بعد میں کہنا چاہتا ہوں کہ ہم اس بات کے لئے پرشנסا کرتے ہیں منموہن سنگھ جی کی، کیوں کہ ان کا چہرہ بے داغ ہے، بہت صاف چہرہ ہے ان کا اور اس چہرے پر ہم نہیں چاہتے کہ کوئی داغ لگے۔ ہم اس بات کے لئے کانگریس ادھیکش کی بھی بہت زیادہ پرشנסا کرتے ہیں کہ انہوں نے کھلے طور پر ایک اخبار کی میٹنگ نہ کہا کہ ان کو اس پر دکھ ہے، یہ جو ہوا غلط ہوا ہے اور انہوں نے ناراضگی ظاہر کی، بہت ناراضگی

ظاہر کی، تو اگر ناراضگی ظاہر کی ہے، اگر آپ اس بات کو مان رہے ہیں کہ کئی دال میں کالا ہے، اگر آپ اپنے منتری کو ہٹا رہے ہیں، تو پھر انکوائری کو ایمانداری سے کرائیے۔ انکوائری کو آدھا ادھورا کھیل مت کیجئے، انکوائری اس طرح سے ہو کہ لوگوں کو وشواس ہو۔

مانیور، اس دیش میں پرسپیشن اصل کھیل ہے۔ اس دیش میں اصل چیز یہ نہیں ہے کہ سچائی کیا ہے، اس دیش میں کیا دنیا میں کئی بھی پبلک لائف میں پرسپیشن اصل چیز ہے، خاص طور سے ہمارے یہاں۔ یہ مریدا پرشوتم شری رام کا دیش ہے کہ جہاں ایک دھوبی کا پرسپیشن تھا، تو اس پرسپیشن کو دور کرنے کے لئے انہوں نے سیتا سے کہا کہ جاؤ تمہاری اگنی پریکشا ہوگی۔ تو اس دیش کے اندر آپ کو پرسپیشن کے حساب سے چلنا ہوگا اور آج پرسپیشن یہ ہے کہ جو انکوائری کمیٹی یا کمیشن، یہ ابھی اسپیشل نہیں ہے، آپ نے بٹھایا ہے، وہ ٹرانسپیرینٹ نہیں ہے، وہ ٹھیک طرح سے کام نہیں کر رہا ہے۔.....مداخلت.....

شری رودر نرائن پانی : اب سبھا پتی جی، میں.....مداخلت.....

شری اب سبھا پتی : پانی جی، آپ بیٹھے، وہ اچھا بول رہے ہیں، بیچ میں ضرورت نہیں ہے آپ کو بولنے کی۔

شری شاہد صدیقی : مانیور، دیال کمیٹی آپ نے بنائی، وہ کمیٹی یونائیٹڈ نیشنز میں کوفی عنان صاحب کے پاس گئی اور انہوں نے ود ان منٹ، جو میں نے رپورٹ پڑھی ہے اخبار کی کہ ود ان منٹ، انہوں نے تیار رکھے ہوئے تھے 1000 پیج، وہ 1000 پیج کے ڈاکیومنٹس ان کے حوالے کر دئے اور جس تیزی سے انہوں نے ڈاکیومنٹس حوالے کئے ہیں 1000 پیج کے، آپ نے اس تیزی سے ان کو دیش کے سامنے نہیں رکھا اور آپ نے کہا ہے کہ انفارمیشن ڈائریکٹوریٹ کے حوالے کر دئے ہیں ہم نے فرور انویسٹی گیشن کے لئے بہت اچھی بات ہے فرور انویسٹی گیشن ہونا چاہئے، دودھ کا دودھ، پانی کا پانی ہونا چاہئے، میں ان کی بات سے ایگری نہیں کرتا کہ آپ بغیر انویسٹی گیشن کے ہوئے، بغیر اتھانٹک کے ہوئے ڈاکیومنٹس کو آپ ان کو پیش کر دیں، لیکن ساتھ ساتھ مجھے سمجھ میں نہیں آتا کہ اس میں کوئی دقت ہے اگر ان ڈاکیومنٹس کین ایک کاپی کو آپ پاٹھک کمیشن کے حوالے بھی کر دیتے

اگر ایک کاپی پاٹھک کمیشن کے پاس آجائے، کیوں کہ اس کے 1000 پیج ہیں، ان کے لنکچز بھی دیکھنے ہیں، کن کن اور ڈاکیومنٹس کی ضرورت ہے، وہ بھی دیکھنا ہے۔ اگر تین چار مہینے اینفورسمنٹ ڈائریکٹوریٹ لگا دیگا اور اس کے بعد وہ پاٹھک کمیشن کے پاس آجائے گی، پھر کمیشن فرور اور ڈاکیومنٹس مانگے گا، عراق سے ڈاکیومنٹس مانگے گا، جارجن کے بینک سے ڈاکیومنٹس مانگے گا، دوسرے اور ڈاکیومنٹس مانگے گا تو وقت بیتتا چلا جائے گا۔ میں نے ہی سمجھتا کہ آپ کا مقصد یا منہومن سنگھ جی مقصد اتھوا کانگریس ادھیکش کا یہ مقصد ہوگا کہ سمے بتاؤ، پردہ ڈالتے جاؤ، بات کو چھپاتے جاؤ۔ میں نے ہی سمجھتا کہ آپ کہ یہ مقصد ہے، میں سمجھتا ہوں کہ آپ مقصد سچائی کو سامنے لانا ہے، دودھ کا دودھ، پانی کا پانی کرنا ہے۔ اس کے لئے اگر سچائی سمے پر لوگوں کے سامنے نہ ہی آئے گی تو لوگوں کے من میں شک و شبہ تو پیدا ہوگا ہی، اس کے اوپر اسپیکلشن تو ہوگا ہی، میڈیا رپورٹس تو آئیں گی ہی۔ ابھی بھی میڈیا رپورٹس آرہی ہیں کہ جو ایک ہزار پیج ہیں، ان میں کیا ہے۔ میں اس میں نہ ہی جانا چاہتا کہ ان ہزار پیجوں میں کیا ہے بینکس کے ڈاکیومنٹس ہیں اتھوا بینک آف جارجن کے کن لوگوں نے پیسہ لیا ہے یا دیا ہے، اس کی اسپیکلشن ہے۔ وہ کتنی سچائی ہے، کتنی جھوٹی ہے، میں نہ ہی کہہ سکتا، آپ ہی بہتر بتا سکتے ہیں کیوں کہ وہ ڈاکیومنٹس آپ کے پاس ہیں۔ اس لئے بہتر یہ ہوگا کہ انہیں آپ ہاؤس کے سامنے رکھ دیں، دیش کے سامنے رکھ دیں۔ اگر آپ یہ بھی نہ ہی کر سکتے تو انہیں آپ پاٹھک کمیشن کے حوالے کر دیں۔ میری یہ مانگ ہے کہ جو ڈاکیومنٹس آئے ہیں، اس کی ایک کاپی فوراً پاٹھک کمیشن کے حوالے ہونی چاہئے، تاکہ وہ اس کے اوپر کام شروع کر دے۔ وہ انفارمیشن ڈائریکٹوریٹ کے ڈائریکشن کے انتظار میں نہ بیٹھیں کہ وہاں سے ڈائریکشن آئیں گے کہ یہ ڈاکیومنٹس ٹیک ہیں اور یہ ڈاکیومنٹس غلط ہیں۔ یہ نہ ہی ہونا چاہئے۔ ہمیں بڑا دکھ ہے، کیوں کہ ہم چاہے ورودھ میں ہوں یا سمرتھن میں ہوں، کانگریس اس دیش کا اتھاس ہے، اس دیش کا پرمپرا ہے اور کانگریس پارٹی پر جب کوئی داغ لگتا ہے، جب کوئی انگلی اٹھتی ہے، تو پورے دیش کا دل دکھتا ہے، پوری دنیا میں ہندوستان کا نام بدنام ہوتا ہے۔ اس لئے آج اگر کانگریس کی طرف یہ انگلی اٹھی ہے تو میں سمجھتی ہوں کہ کانگریس کے لئے یہ بتانا اور دیکھنا ضروری ہے کہ آچر وہ کون لوگ تھے کیوں کہ باقی انویسٹی گیشن تو ہوتا رہے گا، دونوں وکیل ہی بہت اچھے تھے۔ آپ قانون کی لڑائی لڑتے، ہم تو وکیل نہ ہی ہیں۔ ہم تو جنتا کے وکیل ہیں، ہم عام آدمی کے وکیل ہیں اور عام

آدمی اس میں نہی جاتا کہ قانون کی باریکی کیا بتاتی ہے یا ایفہ آئی۔ آر۔ کس حالت میں ہو سکتا ہے، کس میں نہی ہو سکتا ہے۔ عام آدمی کا وکیل یہ کہتا ہے کہ ایک بات سامنے ہے کہ پیسہ لیا گیا اور پیسے میں سے، چاہے اسے آپ سر چارج کہہ لیجئے یا پھر کچھ اور کہہ لیجئے، عراق کو دیا گیا، بینک آف جارجن کو دیا گیا۔ ایک عندلیپ سہگل نام کے آدمی نے پیسہ دیا۔ عندلیپ سہگل کا سمبندھ کس سے ہے، یہ جگ ظاہر ہے، جگت سنگھ سے ان کا سمبندھ جگ ظاہر ہے، اس پرکار ان کا ہمارے شری نٹور سنگھ جی سے کی سمبندھ تھا، یہ جگ ظاہر ہے۔ ہم ان کا بہت سمان اور عزت کرتے ہیں۔ ہم یہ بھی جانتے ہیں کہ نٹور سنگھ جی کانگریس ادھیکش کے کتنے قریب ہیں اور ہمیشہ سے ان کی کتنی اہمیت رہی ہے اور اس کا کتنا سمان رہا ہے۔ انہوں نے اپنے ایک انٹرویو میں کہا تھا، میں نے بھی وہ دیکھا تھا، انہوں نے کہا کہ میں نے جو کچھ کیا ہے یا میں آج تک جو کرتا آیا ہوں، کانگریس کا نہیں، میں نہرو پریوار کا سپاہی ہوں اور میں نہرو پریوار کہہنے پر کرتا آیا ہوں۔ اس لئے اگر کیس ایسا ہے تو پھر کانگریس کے لئے یہ سوال اٹھتا ہے کہ کانگریس اپنا چہرہ کیسے صاف کرے گی؟ کیسے بچے گی؟ کیوں کہ یہ کانگریس کا سوال نہی ہے، یہ دیش کے چہرے پر داغ لگنے سے بچانے کا سوال ہے۔

چہاں تک ہماری پارٹی کا سمبندھ ہے، ہم آپ کے ساتھ ہیں۔ ہم نے یو۔ پی۔ اے۔ کا سمرٹھن اس لئے کیا ہے کیوں کہ ہم کمیونل فورسیز کا ورودھ کرتے ہیں۔ آج بھی کرتے ہیں اور آگے بھی کرتے رہیں گے۔ ہم کمیونل فورسیز کے ساتھ نہی کھڑے ہو سکتے، لیکن اس کا یہ مطلب نہی ہے کہ ہم بھرٹھا چار کو کھلی لگام دے دیں۔ سیکولرزم کے نام پر بھرٹھاچار ہوتا رہا ہے اور ہم تمناشی بنے رہیں۔ ہم تمناشی نہی بن سکتے ہیں۔ اگر اس نام پر بھرٹھاچار ہوگا تو ہم بھرٹھاچار کا ورودھ کریں گے۔ ہم نے سمرٹھن کیا ہے سمرپن نہی کیا۔ ہماری پارٹی نے آپ کے سامنے سمرپن نہی کیا ہے۔ اگر اس دیش کو کمیونلزم سے خطرہ ہے، تو اس دیش کو بھرٹھاچار سے بھی برابر خطرہ ہے۔ اگر ہم ان دونوں خطروں سے نہی لڑیں گے تو اس دیش کو ہم آگے نہی لے جا سکتے۔ اگر یہ کہیں گے کہ صرف بھرٹھاچار سے لڑو، کمیونلزم سے نہی لڑو، تو یہ دیش کے ہت میں نہی ہے۔ آپ کہیں گے کہ بھرٹھاچار کو چلنے دو، صرف کمیونلزم سے لڑو، ہمارے ساتھ آجاؤ تو یہ بھی غلط ہے۔ یہ دونوں باتیں دیش کے ہت میں نہی ہیں۔ اس لئے میں آپ سے اور ہاؤس سے یہ کہنا چاہتا ہوں کہ اگر دیش کو آگے لے جانا ہے تو

ایمانداری سے کمیونلزم سے بھی لڑنا ہوگا اور بھرپور پارٹی ہمیشہ اس معاملے میں پوری طرح سے، پوری طاقت سے، پوری ایمانداری سے لڑتی رہے گی۔

اور میں چاہوں گا کہ سیکولرزم کو صرف ایک مکھوٹا نہ بنایا جائے اپنے کرپشن کو چھپانے کا، سیکولرزم ضروری ہے، سیکولرزم میں کم سب ساتھ ہیں۔ لیکن اس معاملے میں ہم آپ کے ساتھ نہیں چل سکتے۔ اس لئے جہاں ہم ان کے طریقہ کار سے ایگری نہیں کرتے، میں نہیں سمجھتا تھا کہ تین دن ہاؤس نہیں چلنے کی ضرورت تھی، ہاؤس کو چلنا چاہئے، یہ ڈیبٹی کی جگہ ہے۔ اس لئے ہم ان سے نہ سہمت ہوتے ہوئے اور ان کے بھرپور پارٹی کا ورود کرتے ہوئے یہ فیصلہ ہم نے کیا ہے کہ ہم آج واک آؤٹ کریں گے.....مداخلت.....

شری رودر نرائن پانی : سر،.....مداخلت.....

شری اپ سبھا پتی : آپ بیٹھے، آپ بیٹھے، پلیز۔ پانی جی جو بولیں گے وہ نہیں جائے گا۔ جب کبھی بھی وہ اٹھیں گے تو ریکارڈ میں نہیں جائے گا۔

شری شاہد صدیقی : ہم آج اپسٹین کریں گے، ہم آج واک آؤٹ کریں گے۔ ہم آپ سے یہ نہیں کہیں گے کہ آپ سی بی آئی انکوائری کرائیے، ہم آپ سے یہ بھی نہیں کہتے کہ آپ ایف آئی آر کرائیے، ہم آپ سے صرف اتنا کہتے ہیں کہ ان ڈاکیومنٹس کو جو ڈاکیومنٹ یونائیٹڈ نیشن نے آپ کو منٹوں میں دے دیے ہیں آپ بھی چند دنوں کے اندر ان کو پاٹھک کمیشن کے حوالے کر دیجیئے، سدن کے پٹل پر آپ ان کو رکھ دیجیئے، دیش کے سامنے ان کو لے آئیے تاکہ سچائی آسکے اور ہم ایمانداری سے فیصلہ کر سکیں کہ یہ غلط ہے، آروپ آپ کے اوپر غلط ہیں۔ ہم ڈیفینڈ کر سکیں، ہم چاہیں گے کہ ہم نٹور سنگھ جی کا ڈیفینڈ کریں، ہم چاہیں گے کہ کانگریس پارٹی پر یہ داغ نہ لگے، اس کے لئے یہ ڈاکیومنٹ آپ سامنے رکھ دیجیئے۔ بہت بہت دھنیواد۔

"ختم شد"

* Notrecorded

MR. DEPUTY CHAIRMAN: Shri P.G. Narayanan, your party has got 11 minutes. Try to finish within that because there are many Members who want to speak on this. (*Interruptions*)

SHRI P.G. NARAYANAN (Tamil Nadu): Mr. Deputy Chairman, Sir, today we are discussing a very important issue which is facing our country. Mr. Natwar Singh, the former External Affairs Minister and the Congress Party are facing serious charges that they had imported Iraqi oil, paid kickbacks to the Saddam Hussein Government. The charges are very serious that they are non-contractual beneficiaries of the Oil-for-Food-Programme. I am happy that the Government has constituted a judicial inquiry into the episode. But, it took nearly one week for the Government to act in the matter. Another serious issue is that the Congress Party has also been named as a non-contractual beneficiary of the deal. Sir, Mr. Natwar Singh resigned as the External Affairs Minister soon after the controversy broke out. I want to know who in the Congress Party has resigned owning moral responsibility. Moral responsibility applies to both.

Sir, the fact that both the Prime Minister and the Congress President « gave a clean certificate to Mr. Natwar Singh and buckled under pressure later reveal the fact that there is much more than what meets the eye. Sir, I suspect that senior Congress leaders are involved in this scam. The Government owes an explanation to this House as to what action has been taken in regard to the Volcker Committee's charge that the Congress is a non-contractual beneficiary. Sir, there are also reports that the Congress Party and its President were taken for a ride by Mr. Natwar Singh. Sir, even then the Congress President owes a responsibility to the nation. It is not without reason that the Opposition, BJP is demanding the resignation...

SHRI R.P. GOENKA (Rajasthan): Sir, are we discussing the Volcker Committee Report or the Congress Party? (*Interruptions*)

SHRI P.G. NARAYANAN: The Congress Party is involved in this.

SHRI N. JOTHI: The Congress Party is also named in it. (*Interruptions*)

SHRI P.G. NARAYANAN: Yes, it is named in the Report.

SHRI R.P. GOENKA: It is the Congress Party, not the Congress President.

SHRI P.G. NARAYANAN: Sir, it is not without reason that the BJP and

the Opposition parties are demanding resignation of the Congress President. Another fundamental issue is how the Prime Minister... *(Interruptions)*

MR. DEPUTY CHAIRMAN: People are just sitting and talking and it should not go on record. Please confine to the Volcker Report only. That is all.

SHRI P.G. NARAYANAN: Sir, another fundamental issue is, how the Prime Minister has allowed the former Foreign Minister to continue in the Government as a Minister without portfolio even after it was indicated that he was facing an inquiry now. Is he blackmailing the Government? I want to know. The way the Government reacted to the Volcker Committee charges and the brazen manner Mr. Natwar Singh gave his reaction to the media gives sufficient indication that oil was imported by both Mr. Natwar Singh and the Congress Party.

SHRI V. NARAYANASAMY: Where is the evidence? *(Interruptions)*

SHRI P.G. NARAYANAN: Evidence is there. It is indicated in the Volcker Committee Report. Please read it. *(Interruptions)*. Without reading why is he shouting, Sir? Let him read it first. *(Interruptions)*

SHRI N. JOTHI: Evidence is there. What more do you want? You are in power and you prove it. *(Interruptions)*

MR. DEPUTY CHAIRMAN: M. Narayanasamy, allow him to speak. Mr. Jothi, why are you getting up? I have not called any of you. Except Mr. P.G. Narayanan's speech, nothing will go on record.

SHRI P.G. NARAYANAN: While Mr. Natwar Singh has been divested of his portfolio, what action has been taken against the person who is holding the high office in the Congress Party? *(Interruptions)* Sir, I demand that senior office bearers of the Congress Party should also step down.

MR. DEPUTY CHAIRMAN: Sitting and talking is very bad. I request the hon. Members to realise that is serious discussion. By sitting you are answering from here and from there. How would the people view us? It is ridiculous. Whoever is doing it, it is wrong. Whether X is doing it or Y is doing it, it is wrong. Please do not lower the dignity of the House. By sitting, you point out something and they point out something else. In the eyes of the public it is very bad. You should understand it and you should maintain the dignity of the House. It is our responsibility. *(Interruptions)*

Mr. Narayanasamy, I request you to allow the debates. Members will not speak what you want, Members would speak what they want to. If it is unparliamentary, or, if it is not according to the rules, I am here to guide the House.

SHRIV. NARAYANASAMY: Sir, I am on a point of order. *(Interruptions)* He is making a demand that all the senior leaders of the Congress Party should resign. That is an allegation. *...(Interruptions)...* Can we tolerate what the hon. Member is saying? *...(Interruptions)...*

MR. DEPUTY CHARIMAN: Do not tolerate *...(Interruptions)...* But you refute when your turn comes *...(Interruptions)...* You know the rules. *...(Interruptions)...* You are a senior Member of the House. *...(Interruptions)...* You know where I have to intervene and where I have to expunge. *...(Interruptions)...* You know where I have to apply my discretion *...(Interruptions)...*

SHRI P.G. NARAYANAN: He is talking my time. *...(Interruptions)...*

Please do not deduct my time. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: You also confine to the subject. *...(Interruptions)...*

SHRI P.G. NARAYANAN : I am not going away from the subject. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN: Why are you bringing all the leaders and all other things? *...(Interruptions)...* You just say what exactly is there. *...(Interruptions)...*

SHRI P.G. NARAYANAN: Mr. Natwar Singh should be removed from the Congress Working Committee. Sir, I would like to know when the Congress Party *...(Interruptions)...*

MR. DEPUTY CHAIRMAN : It is very difficult to control Tamil Nadu Memebers. *...(Interruptions)...*

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): He is from Pondicherry. *...(Interruptions)...*

SHRI P.G. NARAYANAN: He is unnecessarily interfering. *...(Interruptions)...*

MR. DEPUTY CHAIRMAN : If they are not adhering to it and if you are adhering to it, then you will be appreciated. ...*(Interruptions)*... Why do you stand up? ...*(Interruptions)*...

SHRI P.G. NARAYANAN: I would like to know when the Congress Party has become a trading house trading in precious oil. ...*(Interruptions)*... I was also surprised when the Prime Minister gave a clean chit to Mr. Natwar Singh. The Left parties have also been rallying behind Mr. Natwar Singh in the name of solidarity with Saddam Hussain. Sir, there is nothing wrong with expressing solidarity with a cause like Iraq and Saddam Hussain when the US forces have not been able to recover any Weapons of Mass Destruction even after years since they deposed Saddam Hussain. Sir, expressing solidarity with a cause like Iraq is a good thing, but getting money in return, if proved, is an obnoxious deed.

SHRI VAYALAR RAVI: Sir, I am on a point of order. ...*(Interruptions)*... It is only a notion. ...*(Interruptions)*... It is not correct. ...*(Interruptions)*... It is only an allegation made in a report. ...*(Interruptions)*... It is a very serious matter. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN : You should follow the rules. ...*(Interruptions)*... If there is any allegation in the discussion, on the basis of that you cannot come to a conclusion. ...*(Interruptions)*...

SHRI P.G. NARAYANAN : They are purposely interfering. ...*(Interruptions)*... What can I do? ...*(Interruptions)*..

SHRI VAYALAR RAVI: He is misleading the House. ...*(Interruptions)*...

SHRI P.G. NARAYANAN : I am not misleading. ...*(Interruptions)*... Let them answer. ...*(Interruptions)*... The AIADMK also has expressed solidarity with Iraq against the acts of President Bush. We hold the view that no superpower could invade a sovereign country and change its leader by force. But AIADMK was not a nor, contractual beneficiary. We are proud that we expressed solidarity with the cause without expecting any benefit in return. Sir, I would urge the Left parties not to mix up Iraq with Iran. Since the charges are serious, I demand that Mr. Natwar Singh should be removed from the Cabinet. I am told Mr. Singh has already been removed from various Cabinet Committees of the Government. If he is not removed from the Government till the judicial committee clears him, it would mean that the Government is succumbing to his blackmail. Mr. Singh thinks no end of himself. ...*(Interruptions)*...

SHRI VAYALAR RAVI: He cannot say like this. ...*(Interruptions)*...

SHRI KAPIL SIBAL: No, no, that is not fair. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN : What did he say? ...*(Interruptions)*... Okay, I will look into the record. ...*(Interruptions)*...

. SHRI P.G. NARAYANAN : It is time that Mr. Natwar Singh is grounded till he is cleared by the Committee. Sir, the Congress President should also step down while owning moral responsibility ...*(Interruptions)*...

SHRI V. NARAYANASAMY : Your Chief Minister has all the criminal cases pending against her. She should have resigned. Your people are making allegations without any basis. How many cases is your Chief Minister facing? Your Chief Minister is facing more than 17 cases in Tamil Nadu. *(Interruptions)*

PROF. P.J. KURIAN (Kerala): Miss Jayalalitha was arrested.

MR. DEPUTY CHAIRMAN : Mr. Narayanasamy, please sit down. Mr. Kurian, please sit down.

SHRI N. JOTHI: Sir, Mr. Narayanasamy is ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN : Mr. Narayanasamy, please sit down. ...*(Interruptions)*...

श्री रुद्रनारायण पाणि : उपसभापति महोदय...*(व्यवधान)*...

श्री उपसभापति : डी.एम.के. तो चेन्ई में हैं, आप क्यों इसमें आते हैं? ...*(व्यवधान)*... प्लीज आप बैठिए । ...*(व्यवधान)*... Please conclude.

SHRI PG. NARAYANAN: Sir, I am concluding. Legally they may escape but morally they may not escape. With these words, I support this motion-.

SHRI RAM JETHMALANI (Maharashtra): Mr. Deputy Chairman, Sir...

SHRI N. JOTHI: I want to know from the Chair whether Mr. Narayanasamy has got a privilege in this House to accuse anybody.

MR. DEPUTY CHAIRMAN: Neither you have nor he has the privilege. No Member has the privilege. That is why Mr. Jothi ...*(Interruptions)*... No member has the privilege to ...*(Interruptions)*... Please ...*(Interruptions)*...

SHRI N. JOTHI: We will control him. We know how to do that. We will sit here on a dharna. *{Interruptions}*

SHRI JANARDHANA POOJARY: Don't do that. Please sit down.

MR. DEPUTY CHAIRMAN: Mr. Poojary, please sit down. Mr. Jothi, neither Narayanasamy...

SHRI J. JOTHI: We are not cowards.

MR. DEPUTY CHAIRMAN: No, please, listen to me. When you don't listen to the Chair you are also getting the privilege. I am requesting again and again that we can do better business, we can discuss the problem in a better way if we control ourselves and then allow the democratic process to go. You will not say what Mr. Narayanasamy wants to say and Mr. Narayanasamy will not say what you want to say. Let us understand each other.

SHRI RAM JETHMALANI: Mr. Deputy Chairman, Sir, we are discussing a very important subject. There is no doubt. Sir, the zeal and the ability with which the two very distinguished lawyers on both sides have presented their cases show the importance of what is being argued. Both of them somehow are one at least on one issue. They said that Mr. Jethmalani knows some law.

SHRI KAPIL SIBAL: I have to put it on record that I have the privilege of learning a lot of law from him.

SHRI RAM JETHMALANI: I must only say this for the benefit of the whole House that I am no more practising criminal law. I have put up a notice board outside my House that you are welcome to see me for anything except for a case civil or criminal. But, Sir, I must say only this that I have the unpleasant task of disagreeing with both on a vital issue of law. Sir, let me start with a couple of introductory remarks. They make an accusation and on this side comes a reply, 'You are no better. You are worse.' I don't subscribe to this line of argument. It is only bad for democracy. If the Opposition is worse than the Ruling Party, it is a sad day for the Indian democracy. And, Sir, two wrongs never make a right. I have no doubt that ultimately they paid the price which in a democracy has to be paid for having done an extremely wrong thing in the matter of Tehelka. Mr. Kapil was right that they did not live up to the standards which are required of a Government and I, who had been their life-long friend, had to part with their company because my conscience could not, possibly, reconcile with the

sad state of affairs. However, Sir, we have to deal with this case on its merits.

The second thing I wish to say is, that unfortunately, loyalty to the party and the immediate benefit to the party make you somewhat impervious to the cause of truth. There is a tendency to indulge in irresponsible adventurism, hasty and premature conclusions and judgments often based upon no legal evidence or even any moral evidence. I regret that the same thing has happened, to a large extent, in this case. Sir, however distinguished my friend, Mr. Arun Jaitley, as a lawyer, may be, I don't think his presentation does very great credit to the mover of this Resolution. I would not call it a waste of time because matters like this must be debated here. They add to the fund of knowledge of the elector. He has a right to know how his elected representatives are behaving in Parliament and elsewhere. And, I think, it adds to his fund of knowledge which is good for democracy and which is good for our Parliamentary system of governance. Sir, I am prepared to take the case of Mr. Arun Jaitley and put it on a higher footing than Mr. Kapil Sibal did. I am not suggesting that Mr. Sibal is wrong. His arguments have to be evaluated by this House. But, let me take it that what we have been hearing is not merely an opinion of Mr. Volcker or the author of that Report. Let us assume that the 1,000-page document which now has been handed over actually mentions that two coupons were issued—one in the name of the Congress Party and one in the name of Mr. Natwar Singh. Let us assume that the documents record that these coupons were cashed and a sur-charge was paid and both, the Saddam Government and the beneficiaries of this contract made a profit out of it. Does even this documentary evidence amount to any kind of evidence, both in law and in commonsense? I am surprised that this argument came from Mr. Arun Jaitley, who has been the lawyer of Shri L.K. Advani in the Hawala case. What was that case all about? That case was related to the finding of entries in the account books of jains saying that some payments have been made to Mr. L.K. Advani. After long arguments by Mr. Arun Jaitley, the trial court framed charges but the High Court quashed them on the ground that entries made in the account books of Mr. Jain cannot possibly be treated as evidence against Mr. L.K. Advani.

SHRI N. JOTHI: Sir, I am on a point of order. *(Interruptions)* There is a legal issue. ...*(Interruptions)*... Please, please. *(Interruptions)*

MR. DEPUTY CHAIRMAN: Let us hear him also. *(Interruptions)*

SHRI N. JOTHI: Sir, Shri Ram Jethmalani said that the court had said that document book was not evidence. That is not correct. What the court had said was, loose sheets were not account books. *(Interruptions)*

MR. DEPUTY CHAIRMAN: There is no point of order. *(Interruptions)* There is no point of order. *(Interruptions)* You proceed, Mr. Jethmalani. *(Interruptions)*

SHRI RAM JETHMALANI: Mr. Deputy Chairman, Sir, my friend has not read the judgement. It was held in the judgement that loose sheets could not constitute a book at all. But the Supreme Court had also held that entries in the books of accounts were not legally admissible evidence. But, that apart, this is law and this is technicality. What is the common sense behind this law which we tend to forget? The common sense behind this law is that, ultimately, who the persons are who make these documents and bring them into existence. They are admittedly the perpetrators of the crime; they are accomplices in the crime. They are the documents made by the accomplices. And, the first criticism that we have learnt in every court Mr. Jothi can't be ignorant of it—for two hundred years the courts have said that you cannot rely upon the evidence of an accomplice for the simple reason that he knows his true accomplice. He has a tendency and has a loyalty to his accomplice. He must do his best to conceal the identity of that accomplice and substitute somebody else in his place. This is the common sense behind this.

Now, Sir, I want to deal with the facts of this case. Imagine for a moment Sir, that the Congress Party and Mr. Natwar Singh decided in that fateful year 2001 that they were both going to make some money out of this coupon system. And, having so decided, do you think, Sir, that the whole Congress Party consists of such fools that they would say that please issue the coupons in their name, please make the entries in your books of account in their name, and please create the best documentary evidence against them. Sir, nobody will do so. As a criminal lawyer of some experience I tell you that when my clients name appears under these circumstances, I start with the assumption that the case against them must be false. And, Sir, if Mr. Natwar Singh came and said to the Congress leaders that they were about to make a huge profit out of that, do you think that the Congress Party would tell him that you have a bigger contract of five lakh dollars and they would have a smaller share of 200,000 dollars.

Sir, no fool does it. To imagine that contracts were created by the consent of the Congress Party in their name, when they were supposed to share only 20,00 dollars, whereas the other fellow got 5,00,000 thousand dollars is absurd. This is altruism, which does not exist and cannot be accepted as true. Assume, that this must be totally false. Bear in mind that it is not suggested that a single penny has gone into the coffers of the Congress Party, not a single penny has been earned by any recognized representative of the Congress Party. Nothing has gone into the account of any party. It is said that Mesfield was the person who ultimately cashed the coupons. And, suppose if Mesfield has to really plead with the Iraqis that he is a fit person to whom they must give the coupons, what do you think he will say? He will say, "I am a person who has some influence in India. I will be able to get those people on your side. I will see to it that they support you in the international struggles to which you are a party, we will protect your rights, and so on and so forth". All that will be done, and the name that would appear, therefore, would be the name of the person whose influence he had tried to use and sell. The fact remains that the allegation is that a large number of Indians...Mr. Kapil Sibal read the statement of the ex-Minister, Naik. What does it show? It shows that it was known to the Minister of the NDA Government that a large number of Indian businessmen were making profits out of these coupons. And, yet, he did not wink for a minute, he took no action. On the contrary, he said that it is very likely that he helped them to get business. If he helped them to get business, Sir, knowing the sordid world in which we live, who do you think he must have patronised? He must have patronised those whom he knew; some people belonging to his party, some people belonging to his constituency, some people belonging to the RSS. This is how life works. So, Sir, what would he tell them? "Don't put the name of my party or anybody connected with me, there is the Congress Party sitting in the Opposition, name them." (*Interruptions*) Sir, there is not one word of evidence. Not one in those voluminous books to suggest that anybody on behalf of the Congress participated in these confabulations. Even so, Sir, I must say at this stage that if Mr. Arun Jaitley has some solid evidence that these young people who accompanied the delegation at that time were involved in confabulations with the Oil Ministry officials in Iraq, it is perfectly possible that these young men to be able to curry favour, they used the name, probably, of his own father or they used the name of the Congress Party, but they will not use the name of the actual party which was trying to do business, or

which was helping them in doing business in Iraq. Sir, I am convinced on this evidence that it is an overheated imagination to accuse the Congress Party of being involved in this corruption. Is it or is it not an overheated act of political malice that you must ask for the resignation of Mrs. Sonia Gandhi? What has she done? Is there even a little of evidence against that poor woman that she should resign from the post which she is holding? Even in the case of Mr. Natwar Singh it is argued that the Prime Minister did something wrong. The Prime Minister has given him a clean chit. Sir, I do not know whether it is understood what a clean chit means. To ask a Minister to give up his Department and be a Minister without a portfolio, which means without any work, it is 90 per cent dirt. Maybe, some man without self-respect may see in the remaining ten per cent some evidence of cleanliness. But I find that there is not a clean chit given. It is worse than asking a person to resign from office and get out. It is dependent upon the dignity and the sense of self-respect of that person to do what he likes. But, Sir, the Prime Minister cannot possibly be accused either way. He has not given a clean chit. If he had to give a clean chit, he would retain him where he was and, Sir, he has also not tried to hold that on this flimsy evidence the man is guilty. You cannot visit the father with the sins of his child. Even if Dr. Manmohan Singh came to the conclusion that, perhaps, his son has something to do with his business, he could not ask the Minister to resign merely on the ground that there is some suspicion against the son.

Now, Sir, a couple of differences which I have with my friend Mr. Kapil Sibal and where I agree with my friend Mr. Arun Jaitley. It is true that Saddam was not a public servant as defined in the Prevention of Corruption Act. It is true that all those Iraqi gentlemen who were acting on behalf of the Government of Iraq, and entered into these unholy deals in contravention of the U.N. Security Council Resolution were public servants under their own law, but they are not public servants under our law. Therefore, to that extent, Mr. Kapil Sibal is right. On the other hand, those persons who went and sought business and used the name of the Congress were either guilty of cheating under Section 420 because they pretended to have an authority or influence which they did not have, and, therefore, they made a misrepresentation and were guilty of offences under Section 420 of the Indian Penal Code or under Section 8 of the Prevention of Corruption Act. The Prevention of Corruption Act punishes also private citizens and not merely public servants. Therefore, Sir, to some extent, Mr. Arun Jaitley is

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right. The offences, if any, are disclosed here, they are offences either under the Indian Penal Code or under the Prevention of Corruption Act. On one more point say that Mr. Kapil is wrong. You don't file FIRs when you are convinced that an offence has been committed. Offence has to be inquired into when within the meaning of section 154 of the Criminal Procedure Code there is a reasonable suspicion that an offence has been committed. So, Sir, today, I don't believe that reasonable suspicion exists so far as the Congress Party is concerned. I don't believe that it exists even against Mr. Natwar Singh, but there is some reasonable suspicion against many Indian citizens who canvassed this business, and, probably, misuse the name of the Congress Party. And Sir, there is no difficulty in registering FIRs against them and having the case investigated with proper powers under section 166 of the Criminal Procedure Code.

Sir, the last point that I wish to make is that the fault of the Congress Party—in the past which turned me into an enemy of the Congress Party at one time—is the lack of transparency. Sir, that you have got thousands of documents, please show them to the public. The people are entitled to know. What is the Foreign Exchange Regulation Act? You have given them to the DER, but what are they going to do with the documents? Why keep them away from the public? This is the highest court of justice. This is the court which inquires into and conducts investigation and inquisitions into the conduct of everybody. Produce those documents. I have no doubt that the honour of the Congress Party and its dignity will be a thousand per cent enhanced when they show this transparency in their dealings in Parliament. Produce those documents. Tell the Leader of the Opposition that you come and look at these documents yourself, and let us understand what you have to say about them. Take them into confidence, Sir. According to me it would be a jewel in their crown, and I have no doubt that their reputation shall stand enhanced. Thank you.

SHRIC. RAMACHANDRAIAH: With due respect to Shri Ram Jethmalani, today, he was on the judgement side, assessing the performance of the two legal luminaries in this august House. Sir, everybody has tried to justify with their own arguments about the contentions they made in the august House. But, for me, I am fully convinced that there is a *prima facie* evidence that is available. And, the Prime Minister was also right in ordering

for the constitution of a committee, because he would have been convinced that there was a *prima facie* evidence. That is what I believe. Sir, it is very unfortunate that we opposed sanctions, we opposed invasion of Iraq. It was a global catastrophe that has been averted by introducing the oil-for-food scheme, but, very unfortunately, this has become a global controversy, this has become a source of global corruption, and, naturally, India is no exception to it. Sir, I can't rubbish it as a fictional documents. But, at the same time, I cannot treat it as a Gospel of Truth also. But, I feel that some *prima facie* evidence is there, with the documents that are available, with the funds that have been channelised from so and so accounts to so and so accounts, from so and so country to so and so account; otherwise, there is no rationality. The rational conclusion I can make is that there is a *prima facie* case. I think, as I said, the Prime Minister should have been convinced in ordering the constitution of that committee. Sir, why Mr. Natwar Singh and Congress Party names alone were included, why not of others? Why are they so inimical to this Party or that individual? And, some opinion has been gained and some apprehensions have been entertained that a pro-US lobby.It is conspiring to remove Shri Natwar Singh from the Ministry of External Affairs. I read it in the magazine. I read the article. I don't want to take the name because I may not be permitted to mention the name. That is why I am rather constraint. But I have seen the report. The names of the countries which are strong supporters of the United States are also, mentioned in it. If they are clever culprit, as Shri Ram Jethmalani had been saying, they should have taken precautions not to include the countries' names which are supporting the United States. So, my impression is, ...(Interruptions)...

SHRIMATI BRINDA KARAT (West Bengal): Which country? ...(Interruptions)... Not a single country.

SHRI N. JOTHI: Italy, France. I know it primarily.

SHRI C. RAMACHANDRAIAH: Switzerland, Yes; France, in their opinion, then, Australia. ...(Interruptions)... I don't think I should mention more than two countries.

SHRI N. JOTHI: Italy is there.

SHRI C. RAMACHANDRAIAH: So, what I feel is that this apprehension also seems to be an untenable error, may not be based on the facts.

One more question that arises, Sir, is this. The persons, the parties, which have been entertaining such apprehensions, are of the opinion that this present dispensation is coming closer to the United States. Because they have mentioned about two incidents. One is signing of the Indo-American Defence Agreement and voting on Iraq. When such is the case, a person can be easily removed from the Cabinet. Where is the necessity of such vested interest to exert their influence and get it done? So, what I am trying to arrive at is, there is some credence to this report, some credibility is there to this Report. We cannot totally set it aside and rubbish it.

Sir, I would like to make one more point. If their apprehensions are correct, is our Government or the country is so weak that the other nations can influence us? What is the security of this country? Sir, these are all very important questions. Corruption is the order of the day. A great leader of this country has accepted it. There was no Session in which we had not discussed about the corruption and scams. We have been doing it, and we have become so immune to it, so insensitive to it, but this question is related to the national interest, national security. If any country or any leader outside India can influence this country to formulate its own foreign policy, where are we today? Are we still non-aligned? So, these are all facts which have to be discussed at the national level before coming to a conclusion. ...*(Interruptions)*... We are, in noway, relevant now. Your friendly parties are making all these statements. They are writing in the magazines for information, to take care of it. The Telugu Desam Party is not relevant to you now. But a day will come, when we will dominate the scene. ...*(Interruptions)*... Because, it is a number game.

Sir, one more thing. They have chosen to serve a notice to the United Nations. They have chosen to serve a notice to the United Nations which can't be—I think, I am a layman, I am not a legal man, I am small farmer coming from a remote village. Can the United Nations be prosecuted in these courts? What is the wisdom of the Congress Party in serving a notice on the United Nations? Sir, I feel the United Nations has got its own immunity. It is an international body, and a duly constituted committee has inquired into it. A Person not less than a former Chairman of the American Federal Reserve has drafted the report. So, if at all we are not interested, we could say, he is not of any consequence, and this and that. But for outsiders, what is the perception? How can we make the United

Nations accountable for it? It is only their observation. It is not a prosecution; they have not served any notice that we are going to be prosecuted. It is their observation. Of course, unfortunately, that observation has become an issue here.

Sir, my real concern is—and I had the privilege of discussing it earlier— political parties have been trying to perpetuate themselves in power or politics for which they have been receiving funds from so many organizations, and not only Indian industrialists, but foreign countries and organizations also. But if such is the case, can we maintain our independence, our integrity and our sovereignty. And there is no exception in this. There are a number of allegations against so many parties and it seems there are no puritans, altruistic parties or personalities. But this has been the main concern, Sir, right from the time the abolition of donations to political parties by Madam Indira Gandhi. Of course, to a certain extent, they have been relaxed now, but everybody is aware that political parties need funds to run themselves. Now, how to procure those funds? This is an important question. Sir, this needs to be discussed and appropriate measures need to be initiated so that the country's integrity and sovereignty are not compromised at any point of time.

Sir, I do not want to take much time. I conclude by saying that there is a *Prima facie evidence* in this case and the Government should be very sincere. I do not know, to what extent this present committee of inquiry is effective. Because I am not a legal expert; I am not aware of this section and that section. Today, I got totally confused...(Interruptions)... I have heard that when you are unable to convince a person, it is better to confuse him! I got totally confused...(Interruptions)...

MR. DEPUTY CHAIRMAN: You know only about the Income Tax and Companies Acts; no other law ...(Interruptions)...

SHRI C. RAMACHANDRAIAH: So, whatever may be the body that you are going to create to inquire about this scam, do make the allegations, but be effective and do justice. Let the skeletons come out of the cupboards. Don't feel ashamed, because if at all there are any skeletons, the other parties also have their own skeletons. You are not extraordinary people. But, ultimately, take care of the national interest, national security and sovereignty so that we can raise our heads among the Comity of Nations with pride. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Mr. Anand Sharma, your request for quoting other evidences is not accepted. So, you have to confine to the subject only.

SHRI ANAND SHARMA (Himachal Pradesh): I shall do that, Sir. Hon. Deputy Chairman Sir, I rise here to oppose the Motion, which has been moved by Shri Arun Jaitley. Going by the wording of the Motion itself, I was wondering about the justification of this discussion.

I do admit that in a democracy, Parliament is the highest forum of discussion and debate. But here, our friends in the Opposition have disrupted Parliament for days together and then, persisted that there should be a discussion. The wording of the Motion is 'about the inaction'. That, in itself, is misplaced, unfair and incorrect.

Sir, it militates against the facts and realities and also the response of this Government. The intention of the BJP and other friends in the Opposition is clear. Their quest is not for ascertaining the truth; nor is it a fight for political morality or probity. It is, in fact, a partisan political agenda. They have found in this Volcker Report a convenient tool of distraction because this party has been bereft of any meaningful political issue or agenda for quite some time. Ever since their defeat, they have been groping in the dark or fighting among themselves. We do not know as to who is in or who is out. It is like a revolving door. They themselves do not know this because people who are sitting in Nagpur will decide whose fate when. Sir, that is exactly what the issue here is. ...*(Interruptions)*...

SHRI SURENDRA LATH: This is not relevant. ...*(Interruptions)*... Why is he saying like this? ...*(Interruptions)*... We refute it. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please confine to the subject. ...*(Interruptions)*...

SHRI RUDRA NARAYAN PANY: Who is sitting at Nagpur? ...*(Interruptions)*...

श्री उपसभापति : नहीं, नहीं। आप बैठिए। ...*(व्यवधान)*...

श्री सुरेन्द्र लाठ : सर, यह क्या बोल रहे हैं ? ...*(व्यवधान)*...

श्री उपसभापति : ठीक है, आप बैठिए। ...*(व्यवधान)*...

श्री रुद्रनारायण पाणि : सर, नागपुर में ऐसा नहीं होगा। ...*(व्यवधान)*... नागपुर में संतरे मिलते हैं। ...*(व्यवधान)*...

श्री उपसभापति : अच्छा ठीक है। आप बैठिए। ...*(व्यवधान)*... पाणि जी, आप बैठिए ।
...*(व्यवधान)*...

SHRI ANAND SHARMA: Please don't interrupt. I will request you to have the patience. The problem with you is that you are intolerant of criticism and of hearing the truth. Please sit down. ...*(Interruptions)*...

SHRI SURENDRA LATH: You are intolerant. ...*(Interruptions)*...

श्री रुद्रनारायण पाणि : महोदय, हम सब्जेक्ट पर अपनी बात रखते हैं और आनन्द जी अब कैसे बोल रहे हैं? ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Mr. Anand Sharma, please come to the subject. ...*(Interruptions)*.. Why are you getting provoked? ...*(Interruptions)*.. Please speak on the subject. ...*(Interruptions)*... आनन्द शर्मा जी, आप सब्जेक्ट पर बोलिए ।

SHRI ANAND SHARMA: Sir, I must say one thing, before I start focussing on this debate, that when the Mover of the Motion was speaking for one hour and eighteen minutes, he was allowed to speak without any interruption, and I must also say that the Mover of the Motion had made many references. ...*(Interruptions)*...

SHRI SURENDRA LATH:*

श्री उपसभापति : नहीं, नहीं । आप बैठिए। Without permission, you cannot get up. ...*(Interruptions)*... Mr. Sharma, you please come to the subject. ...*(Interruptions)*...

SHRI ANAND SHARMA: I cannot be told by them what to speak on ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: They are not telling. Why are you taking cognisance of what they say? It is not going on record. आप अपनी बात कीजिए । आप क्यों प्रोवोक होते हों?

SHRI ANAND SHARMA: Sir, the Volcker Report which is being referred to was a U.N. Enquiry Committee Report. Based on that is this discussion. In the discussion, the Indian National Congress was given many moral sermons by the Mover of the Motion, Mr. Arun Jaitley, who has denied me the courtesy of being present here because he is absent.

*Not recorded.

When political charges are levelled, when baseless insinuations are made, when aspersions are cast on the high office even of the Prime Minister and the person of the Prime Minister, you expect me to remain quiet and when I answer, you react. That will not happen. You cannot misuse this forum to mislead. You cannot misuse this forum to carry out a political campaign based on half-truth and disinformation to malign a political party and its leadership. Sir, the Volcker Enquiry Report had generated interest not only in India but world-wide. Now, Sir, our initial response of the Congress Party was of disbelief and outrage. We had said that we have been unfairly named. We had no inkling, no information, and we said that we would examine all options including the legal option if it was available. But we said that we would seek a full-length comprehensive disclosure from the United Nations, from the Volcker Committee, on what basis, on what evidence, this naming was done. Sir, I must put on record that the Congress President, despite many misleading and baseless references which were made, expressed a feeling of hurt and anger and made it amply clear from day one that the truth would be ascertained and if there was an iota of truth in any insinuation or any allegation against any individual, action would be taken. What could be a better response? Sir, the Prime Minister, to whom very uncharitable references were made, also made it clear from day one, when the issue of the Foreign Minister statement came up, he said, "There is nothing to disprove it". And, he stands by that. But, it is the same Prime Minister who also said that no effort would be spared to get at the bottom of it and the truth shall be found out. Now, Arun Jaitleyji, while moving the Motion, was selective in quoting. It was very convenient for him to make a distorted presentation through those selected quotes. Therefore, it is important to set the record straight. Sir, this Report has named a large number of people, entities, political leaders, political organisations, not only in India, but also all over the world, in the United Kingdom, in Russia, in France, in Indonesia, in South Africa, and I can go on; it is a long list of people who are serving even today in various Governments in important positions in other countries. Sir, what has been the reaction? First, many countries or many such entities involved did question the approach, the methodology. Here we have an inquiry instituted by the Government. But, at the same time, we must not overlook some of the facts or some of the objections which others have raised world over about the method of investigation of the Committee. Also,

there was no sourcing of information provided in Tables one and three to back the listing what they are saying of the non-contractual beneficiaries which includes according to them the Indian National Congress and Shri Natwar Singh. So, when there is no sourcing of information provided as to why the naming has been done, certain questions are definitely asked. Sir, there is another issue. The elementary rule of fairplay was abandoned by not giving a notice to the Indian National Congress and the non-contracutal beneficiaries. Sir, any person with basic knowledge .of law would say, and that is the law in this country too, that when no notice is given that report would be void That is an essential pre-requisite. The Indian National Congress is a pre-eminent political party of this country. It has fought for the freedom of this country. It has led free India, provided efficient Governments after Governments. The Indian National Congress has its own history. It was not difficult for a notice to be sent for us to be informed. We have an address; we have a presence; we have an existence. Now here, what is the opposition's approach? Action. What action do they want? What is the agenda? Action is here. Let the inquiry start. An independent inquiry authority has been set up. But, they want to pre-judge what they actually are pleading for? Our friends in the Opposition are pleading for-damn before an inquiry, hang before an inquiry, award punishment. This is like turning the law upside down. It is against the principles of natural justice what was being argued here. Sir, I can understand the political purpose to name and their perverse sense of joy when any such unfair reference to the party like the Indian National Congress comes. But, Sir, there is another issue which has come in the course of the debate. It is that the material as such has been unverified. That is what Mr. Kapil Sibal was saying. The material has been brought by the Government, so that only after it is verified by the Inquiry Authority, by the concerned agencies, one can draw any inference, adverse or otherwise.

Also, Sir, one thing which has been mentioned here is that the records as such are not complete; many of the records after the invasion were partially damaged, burnt; they have been recreated. And it would be the job of the Inquiry Committee to find out as to how they have been recreated, which were the agenices, which was the authority test make available all the concerned documents to the Volcker Committee.

Sir, here I may add one thing as I was referring earlier to the point that large number of entities worldwide have been named. What has been the reaction in other countries? From outright rejection to terming specific insinuations as forgeries. My friend, Shri Sitaram Yechury, earlier had referred to the British MP Galloway and said that he not only challenged it but actually threatened to sue them. And there was a retraction, especially against the tabloid which had prominently published the charges against him. The Russian Foreign Minister has rejected it. The African National Congress of south Africa was named; the head of the organisation is the President of the country. But Sir, what has been the reaction in other countries? There the opposition has not resorted to bedlam, disruption or demanding resignations. India is an exception on two counts. First, how our friends have acted or reacted. Secondly, how the Government has acted. India is the only country, which has acted; India is the only country which has set up an independent Inquiry Committee headed by a former Chief Justice of India; India is the only country which has identified and named, an empowered envoy, who is none other than a distinguished diplomat who served the United Nations as Under-Secretary-General. He went along with other officials, including the officials of the Directorate of Enforcement, and brought back the documents what they are now demanding should be made public. Yes, the documents would come out, but it is for the Inquiry Authority first to see; it is for them to examine these documents. Sir, I will say that when we are debating any issue, when we say that the pristine glory of the Parliament has to be restored, then what the Government has done should have been at least acknowledged rather than levelling charges which are motivated and baseless.

Sir, I am constrained to say that because what was said was not fair, especially the insinuations and some of the aspersions against our leaders and the Head of the Government. (*Time-bell*) Sir, I will take a few minutes. As I was saying that our response here has been firm and quick, there is progress which is there before the country. But, Sir, the mover of the motion had said that it is weak, this enquiry will not reveal much, you will come up against the wall, it is more of a whitewash or a cover-up. It sounded strange coming from the former Law Minister of the previous Government. And it compels me though references have been made to make a comparison with Tehelka where people were caught on camera and no case was registered, and today they are demanding FIRs to be registered on unverified information and without evidence. So, they are

trying to take a moral high ground and preach political values to a political party which has always adhered to values and principles in this country. Sir, not only no case was registered, the enquiry there took an opposite direction. The journalist of Tehelka portal who exposed their political leaders and others was persecuted and booked under false cases and imprisoned.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI ANAND SHARMA: Sir, if you read the affidavits which were filed before the Commission on Inquiry, it will show how the then Government was stonewalling. And today, they stand up and they try to say what should be a fair enquiry! Sir, I must also put one thing on record here. At that time, allegations were made against political leaders, against the officials and the Armed Forces officers. There were double standards followed. The Armed Forces officers who were named in the same Tehelka revelations, they were court-martialled and the political leaders were protected. They were also talking about the Foreign Minister, Shri Natwar Singh, being only divested. Let me remind them, the then Prime Minister, Shri Atal Behari Vajpayeeji took the resignation of the then Defence Minister, Shri George Fernandes, stating very clearly that he will return to the Government only if the innocence is established by the Commission of Inquiry. But the Commission of Inquiry went in the wrong direction and the Minister returned to the same post. And they are talking here about values and about probity!

MR. DEPUTY CHAIRMAN: Please conclude. You have already taken much more time.

SHRI ANAND SHARMA: Sir, I will. Well, the mover of the motion took twice the time.

MR. DEPUTY CHAIRMAN: Not that way.

SHRI ANAND SHARMA: Just give me a few more minutes, Sir. Sir, one more thing is

MR. DEPUTY CHAIRMAN: There are 11 more Members to speak.

SHRI ANAND SHARMA: Sir, I will say that I just have three points to make. I will quickly make them. Please permit me. Sir, much was also said about "since 1947" and about the 'legacy'. I must say that the Congress Party does not need any sermon on nationalism and patriotism from the

other side. We have a proven record of leading the freedom movement; our leaders have made sacrifices before the freedom struggle and after the freedom struggle. Our leaders have been martyred for the cause of the nation. Those who were opposed to the national movement, those who opposed the freedom struggle, they talk of the legacy. Then, there is also the legacy of those who opposed Gandhi, who opposed the Civil Disobedience Movement and who were apologists for the colonial masters which is proven by the records of the British Home Office. *...(Interruptions)...*

श्री उपसभापति : उस पर क्यों जाते हों, आप सब्जेक्ट पर आइए। *...(व्यवधान)...*

SHRI ANAND SHARMA: I didn't say that...*(Interruptions)...* Much has been said on that, Sir. Okay, I will come back.

PROF. P.J. KURIAN: He did not mention. Why should they get up. *...(Interruptions)...*

श्री उपसभापति : प्लीज, आप बैठिए। Please conclude.

SHRI ANAND SHARMA: Please, Sir. When same things are said from the other side, we are expected to hear quietly and we don't have the right even to plead our own case and to tell what we stand for. Sir, here there was another issue raised of foreign funding.

MR. DEPUTY CHAIRMAN: No, no...*(Interruptions)...*

SHRI ANAND SHARMA: It is relevant. No, Sir, it was raised here today. Please, Sir...*(Interruptions)...*

MR. DEPUTY CHAIRMAN: The Chair has not permitted to quote anything on foreign funding because that is not the issue.

SHRI ANAND SHARMA: I am not quoting. It was said. Either you have that expunged from the record...*(Interruptions)...* No, Sir. It was said in greater detail that this has become the source of funding for my Party, and that this is the new form of FDI. Why should I not be permitted to respond to that? I fail to understand that.

MR. DEPUTY CHAIRMAN: You respond to the queries raised on the subject.

SHRI ANAND SHARMA: So far as my Party is concerned, the Congress Party, we have, from the day one asked for the truth to come out. This

Government is making all those efforts. But when it comes to foreign funding, we stand against that. But there have been published reports of foreign funding, which have been received by organizations, by political parties. In fact, the Finance Minister is sitting here, and I have no hesitation, nor you should have any objection that we would like to know whether an organization, called the*...(Interruptions)...

MR. DEPUTY CHAIRMAN: That is another matter...(Interruptions)...

SHRI ANAND SHARMA: I am demanding an inquiry...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Anand Sharma, please conclude. ..(Interruptions)...

SHRI ANAND SHARMA: Can I not demand an inquiry?...(Interruptions)...

MR. DEPUTY CHAIRMAN: You speak on the subject...(Interruptions)...

SHRI ANAND SHARMA: I am demanding an inquiry from the Government. As a member of this House, I have a right to know why should it be? You have a right to say anything to us!...(Interruptions)...

SHRI YASHWANT SINHA: Sir, he has made a very serious allegation against the BJP...(Interruptions)...

श्री सुरेश भारद्वाज (हिमाचल प्रदेश) : सर, यह एक्सपंज होना चाहिए । ... (व्यवधान)...

श्री रुद्रनारायण पाणि : सर, यह रिकार्ड में नहीं जाना चाहिए । ... (व्यवधान)...

SHRI ANAND SHARMA: I have not made a serious allegation. These reports have been published. I have got the reports...(Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Anand Sharma, listen to me. You have got the reports, you have made your point. Their objection is, without notice, you are raising this issue...(Interruptions).... Please conclude. I have given sufficient time to you. Please conclude...(Interruptions)...

SHRI YASHWANT SINHA: Sir, this remark has to go...(Interruptions)...

MR. DEPUTY CHAIRMAN: I will look into it...(Interruptions).... Mr. Anand Sharma, if you are alleging anything, their simple objection is that you have to give a notice...(Interruptions)...

*Expunged as ordered by the Chair.

[29 November. 2005]

RAJYA SABHA

SHRI ANAND SHARMA Sir, I am demanding an inquiry from the Government Cant I do mat?

MR DEPUTY CHAIRMAN: Before making an allegation, you have to give notiice.

SHRI ANAND SHARMA They are demanding registration of an FIR.

MR. DEPUTY CHAIRMAN: You should have taken objection to that at that point of time. (Interruptions)-... I will examine that

SHRI YASHWANT SINHA Please expunge that remade SHRMATI SUSHMA SWARAJ Sir. this remark being irrelevant to the debate, kindly expunge it सर, आप इरेलेवेट रिमार्क को एक्सपज कर दीजिए ।

SHRI ANAND SHARMA How do you say that is irrelevant? Sir. I entirely agree with Shrimati Sushma Swaraj. With all due respect what was irrelevant to the debate, if you think so, then what was said by the mover off the Motion, all the references or insituations made, aspersions cast which were not retevant to the debate, should also be expunged. it . cannot be one way.

MR. DEPUTY CHAIRMAN: All that would be looked into I have said that I that I will lock into it

SHRI ANAND SHARMA: Now, Sir win these words.....(Interruptions)... if I am repeatedly interrupted(Interruptions)...

MR DEPUTY CHAIRMAN: Mr. Sharma. I have given you sufficient time. You should appreciate that

SHRI ANAND SHARMA Sir. please be fair to me....(Interruptions)...

SHRI RUDRA NARAYAN PANY: Are you challenging the Chair?... (Interruptions)....

SHRI ANAND SHARMA That role we have left to you people and the country has seen it..(Interruptions)... To conclude, I will say one thing.

श्री रुद्रनारायण पाणि : शर्मा जी, हम ऐसा नहीं करते हैं । हमने कभी भी चेम्बर का अपमान नहीं किया है । ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: When are you going to conclude?

SHRI ANAND SHARMA: If the opposition want me not to conclude, I will sit down. Every time, I am being interrupted. How can I conclude? The moment I start speaking, I am being interrupted.

MR. DEPUTY CHAIRMAN: Mr. Anand Sharma, you are making a good speech, you have very good points.

SHRI ANAND SHARMA: The moment I say that I conclude, the interruptions start. Then what do I do?

MR. DEPUTY CHAIRMAN: You please conclude. Now they will not interrupt you. You please conclude. *(Interruptions)*...

SHRI NILOTPAL BASU: You don't say that you are concluding. You just conclude. *(Interruptions)*...

SHRI ANAND SHARMA: Therefore, through my intervention I have brought forth the reasons why this Motion, should be rejected by this House and those behind this should be exposed for their hypocrisy and double standard. Thank you.

SHRIMATI SUSHMA SWARAJ: Sir, I am on a point of order, सर, मेरा प्वाइंट ऑफ ऑर्डर यह है कि अपनी बहस खत्म करते-करते उन्होंने मोशन के बारे में दो बातें कही हैं कि *और* हैं।

MR. DEPUTY CHAIRMAN: They should be removed.

श्रीमती सुषमा स्वराज : सर, मेरा व्यवस्था का प्रश्न है, कि जो भी मोशन तय करते हैं, वह चेयरमैन साहब करते हैं।

MR. DEPUTY CHAIRMAN: I have expunged them. You are right,

श्रीमती सुषमा स्वराज : अगर कोई मोशन *होता और * होता तो ...*(व्यवधान)*...

श्री उपसभापति : मैंने ऐक्सपंज कर दिया है। अब इस पर बहस नहीं होगी। अब इस पर कोई बहस नहीं होगी।

SHRI ANAND SHARMA: They were saying that there was no action on the part of the Government. *(Interruptions)*...

SHRI NILOTPAL BASU: I have one request that there are parties which have consumed more time than the time allotted to them. So, if there is any request from such parties, it should not be entertained. *(Interruptions)*...

*Expunged as ordered by the Chair.

SHRI N. JOTHI: No. I am objecting to this request because I have to speak. *(Interruptions)*...

MR. DEPUTY CHAIRMAN: That is his suggestion. *(Interruptions)*... Mr. Jothi, that is his suggestion. *(Interruptions)*...

SHRI N. JOTHI: I have to speak. *(Interruptions)*...

SHRI NILOTPAL BASU: I didn't mention the name of any party. Mr. Jothi, I didn't have you in mind. *(Interruptions)*...

MR. DEPUTY CHAIRMAN: I have not given my ruling, *(Interruptions)*...

SHRI N. JOTHI: I want to speak.

MR. DEPUTY CHAIRMAN: I had reminded your leader that you party had 11 minutes, your party had two speakes and he should spare some time for him also. *(Interruptions)*...

SHRI N. JOTHI: All the time was consumed by that side. What can I do? *(Interruptions)*...

श्रीमती सुषमा स्वराज : सर, मैं बसु जी की बात की समर्थन करती हूँ। हम अपना स्पीकर विदड़ों करते हैं क्योंकि हमारा टाइम खत्म हो गया है। कांग्रेस भी अपना स्पीकर विदड़ों करे और ये भी अपना स्वीकर विदड़ों करें।

श्री मंगनी लाल मंडल (बिहार) : मान्यवर उपसभापति महोदय, माननीय श्री अरुण जेटली जी ने एक घंटे की बहस में जो बातें कही थी, उन बातों का खंडन हो गया है, और माननीय मंत्री श्री कपिल सिब्बल जी और माननीय श्री राम जेटमलानी जी के उत्तर देने के बाद उसमें कोई ऐसी बात नहीं रह गयी जिस पर प्रकाश डाला जाए। सर, वोल्कर के बारे में जब चर्चा हो रही है तो वोल्कर है यह अमेरिका और संयुक्त राष्ट्र संघ दोनों की वर्चस्व की लड़ाई की पुष्टभूमि है और वोल्कर की रिपोर्ट पर हम चर्चा कर रहे हैं। अमेरिका आज विश्व का दादा बना हुआ है और अमेरिका जो चाहता है, वह होता है। इराक पर जब प्रतिबंध लगा, श्री अरुण जेटली जी ने कहा कि सैक्शन का वॉयलेशन इराक ने किया। यह बात सही है कि पांच लाख बच्चे इराक में मर चुके थे, दवाइयां नहीं थीं, खाद्य पदार्थ नहीं थे, इसीलिए संयुक्त राष्ट्र संघ ने ऑयल फॉर फूड की योजना लागू की थी, और व्यापार किया अमेरिका ने। इराक को पैसा नहीं मिला। मेरी जानकारी के अनुसार जो 69 बिलियन डॉलर शुद्ध लाभ हुआ, उसमें 18 बिलियन डॉलर अमेरिका खा गया, गटक गया, उसका पता नहीं है। लेकिन इराक ने जो सरचार्ज लगाया था, अपनी आमदनी के लिए, राजस्व के लिए

लगाया। एनडीए के मंत्री, श्री राम नाईक जी के बारे में सदन में चर्चा हुई है और माननीय मंत्री जी कपिल सिब्बल साहब ने चर्चा की है, उल्लेख किया है कि जब वे इराक गए थे और इराक से लौटे तो उन्होंने कहा कि मुझे जानकारी दी गई थी कि भारत की करीब 139 कम्पनियों ने जो व्यापार किया था, उन्होंने सरचार्ज दिया। राम नाईक जी ने इसको स्वीकार किया लेकिन राम नाईक साहब ने उस समय इस पर कोई कार्रवाई नहीं की। महोदय, जब आरोप लगा, तो प्रधान मंत्री ने बहुत जल्दी कार्यवाहियां की। भ्रष्टाचार मामले में मानदंड अलग-अलग नहीं हो सकते हैं। जब हम सरकारी बैंच पर रहें, तब हमारा मानदंड अलग हो जाए, जब विपक्ष में बैठें तो भ्रष्टाचार के मामले में या भ्रष्टाचार के आरोप के मामले में हमारा मानदंड बदल जाए, यह नहीं हो सकता है। जब आरोप लगा तो प्रधान मंत्री जी ने तीन कार्यवाहियां तुरंत की – पहली कार्यवाही यह की कि दयाल को भेजा जो वोल्कर कमेटी का अभिप्रमाणित अभिलेख है, उसको प्राप्त करने के लिए। दूसरी कार्यवाही यह कि, कि अंतर्राष्ट्रीय ख्याति प्राप्त न्यायधीश श्री पाठक के द्वारा जांच कराने का आदेश दिया और तीसरी कार्यवाही यह की, कि श्री नटवर सिंह को कहा गया कि आप विदेश मंत्रालय को छोड़ दीजिए। आरोप एनडीए के समय में भी लगा था और एक तरह से आरोप प्राइमा फेसी स्पष्ट था, लेकिन एमडीए वालों ने कोई कार्यवाही नहीं की। तो दो मानदंड नहीं हो सकते हैं, एक ही मानदंड हो सकता है।

महोदय, “पांचजन्य” अखबार है, जिसकी गली से एन.डी.ए. के बहुत से लोग गुजर कर आते हैं। “पांचजन्य” अखबार में एक लेख छपा है और लेख में तथ्यात्मक बातें रखते हुए वोल्कर कमेटी की रिपोर्ट के बारे में जो चर्चा की है कि वोल्कर कमेटी में नटवर जी का नाम अंतिम रिपोर्ट में आया, पांचजन्य में कहा गया कि “वोल्कर कमेटी की रिपोर्ट के नाम पर भारत के विदेश मंत्री श्री नटवर सिंह को इस मामले में घसीटने का जो प्रयास मीडिया और कुछ राजनीतिक दलों द्वारा किया गया है, वह झूठ के सिवाया कुछ नहीं है।” यह मैं नहीं कहता हूँ, यह आर.एस.एस. की पत्रिका है “पांचजन्य” जिसको भारतीय जनता पार्टी के लोग पूछते हैं और उसी गली से अधिकांश लोग जाते हैं। इस अखबार ने यह भी कहा है कि “यह सब अमेरिका के इशारे पर हो रहा है।” हमें आपस में उलझने के बजाय इराक में अमेरिकी लूट के षडयंत्र को समझने की जरूरत है। यह हम नहीं कहते हैं, यह “पांचजन्य” ने कहा है। महोदय, इसीलिए दो बातें मैं जानना चाहूंगा। यशवंत बाबू के प्रति हमारा बड़ा सम्मान है। और यशवंत बाबू जिस विभाग के मंत्री रहे हैं, बड़ी योग्यता से उन्होंने आपने दायित्व का निर्वाहन किया है। एक खबर छपी है कि यशवंत बाबू जब मंत्री थे, तो बगदाद में जो राजदूत थे, श्री वी.वी. त्यागी, उन्होंने 28 जनवरी, 2004 को पत्र लिखा था और वहां के अखबार में तो बात छपी थी, जो पाकिस्तान का अखबार “जंग” है “जंग” में खबर छपी थी और वेबसाइट पर जब उन्होंने वोल्कर कमेटी की रिपोर्ट के बारे में देखा, तो उन्होंने विदेश मंत्रालय को पत्र लिखा कि इसका खुलासा होना चाहिए कि इनकी पहली रिपोर्ट में, दूसरी रिपोर्ट में और

अन्य रिपोर्टों में श्री नटवर सिंह का नाम नहीं है, लेकिन अंतिम रिपोर्ट में रखा गया है। यशवंत बाबू जब विदेश मंत्री थे, उन्होंने कार्रवाई नहीं की। यशवंत बाबू को इसका जवाब देना होगा कि क्यों नहीं कार्रवाई की? क्यों नहीं इसके बारे में कहा? दूसरी बात यह है कि राम नाईक जी इस सदन के सदस्य नहीं हैं।(व्यवधान)...

SHR JYASHWANT SINHA Sir, since he has referred to me, I would like to reply to it. मैं इनसे एक सवाल पूछना चाहता हूँ। इन्होंने किसी पत्र का जिक्र किया। मैं आज सरकार में नहीं हूँ, इसलिए मैं उस पत्र को हासिल नहीं कर सकता, लेकिन मैं आपके माध्यम से यह निवेदन करना चाहता हूँ कि जो लोग आज सरकार में हैं, वे उस पत्र को सदन के सामने लाएं। कौन सा पत्र था, उसमें क्या लिखा था, यह क्यों नहीं सदन के सामने आता है? क्यों इस तरह घुमा कर किसी प्राइवेट मੈम्बर से यह बात यहां पर आ रही है, जबकि सरकार में ऐसे लोग बैठे हैं, जो आसानी के साथ उस पत्र को सदन के सामने रख सकते हैं?(व्यवधान)...

श्री मंगनी लाल मंडल : जो सरचार्ज की बात वोल्कर रिपोर्ट ने की है(व्यवधान)...

श्री यशवंत सिन्हा : वह इनसिन्पेशन है कि कोई पत्र आता और मैंने कार्रवाही नहीं की, तो उसका खुलासा होना चाहिए मैं सहमत हूँ। इसीलिए मैं सरकार से यह मांग करता हूँ कि वे पत्र लाएं, वहां रखें। मंत्री जी जब जवाब दे तो वे बताएं कि क्या मामला है?(व्यवधान)...

SHRI MANOJ BHATTACHARYA (VestBengal): Sir, he has read it from the paper,

MR: DEPUTY CHAIRMAN: Since he took his name, he wanted to clarify it, मंडल जी बोलिए।

श्री मंगनी लाल मंडल : मेरे कहने का तात्पर्य यही था कि यशवंत बाबू उस समय मंत्री थे, पत्र आया था जिस सरचार्ज को आधार बनाया गया(व्यवधान)...

श्री उपसभापति : उन्होंने खुलासा किया है, उसके बाद मत कहिए।

श्री मंगनी लाल मंडल : और जिस सरचार्ज के आधार पर मान्यवर श्री नटवर सिंह के खिलाफ आरोप लगाया गया है और जिस सरचार्ज के बारे में श्री नाईक जी ने कहा है कि हम जब बगदादा गए थे, तो हमको जानकारी थी। बगदाद से राजदूत ने सरचार्ज के बारे में पत्र लिखा था। उस समय सिन्हा जी विदेश मंत्री थे इसीलिए हम दो बातें कह रहे हैं कि सरकार में थे तो आपने सरचार्ज के बारे में कोई कार्रवाही नहीं की। भ्रष्टाचार का या भ्रष्टाचार के किसी आरोप का कोई एक ही मानदंड हो सकता है, दोहरा मानदंड नहीं हो सकता है और इस पर स्पष्टीकरण होना चाहिए। इन्हीं बातों के साथ, मैं अपनी बात समाप्त करता हूँ।

श्री गांधी आजाद (उत्तर प्रदेश) : उपसभापति महोदय, आज वास्तव में बहुत महत्वपूर्ण विषय पर चर्चा हो रही है, लेकिन हमारा मानना है कि साक्ष्य और तथ्य के अभाव में यह चर्चा महत्वहीन भी है। महोदय, संयुक्त राष्ट्र संघ के इराक में तेल के बदले अनाज कार्यक्रम में कुछ भारतीय कम्पनियों तथा व्यक्तियों की गैर अनुबंधित लाभार्थियों के रूप में कथित संलिप्तता का जिक्र प्रस्ताव में किया गया है, लेकिन साक्ष्य रहित है। इसमें कौन-कौन सी भारतीय कम्पनियां संलिप्त हैं और कौन-कौन से भारतीय लोग संलिप्त रहे हैं, इसका कोई तथ्यात्मक विवरण प्रस्ताव लाने वाले सम्मानित साथियों में से किसी के पास भी नहीं है, और न ही उसे प्रस्तुत किया है। अगर कोई विवरण था तो उसको प्रस्तुत करना चाहिए था, यह मेरा अपना मानना है। मेरी राय में कोई तथ्य प्रमाणित नहीं है। जब तथ्य प्रमाणित नहीं है तो दोषी करार करना न्यायसंगत नहीं है। तथ्य साक्ष्य पर आधारित भी नहीं है, इसलिए मेरी राय में प्रस्ताव लाने वाले लोगों की आदत तिल का ताड़ बनाना है और कुछ नहीं है। महोदय, इसके बाद भी मैं सरकार और प्रधानमंत्री जी को बधाई देना चाहता हूँ कि केवल नाम आने मात्र से ही सरकार ने श्री नटवर सिंह जी का विदेश मंत्रालय वापस ले लिया। उन्होंने केवल विदेश मंत्रालय ही वापस नहीं लिया, बल्कि जांच समिति भी बैठी दी है। मेरा यह मानना है कि जांच रिपोर्ट आने तक प्रस्ताव लाने वाले हमारे साथियों को इंतजार करना चाहिए था। उन्होंने रिपोर्ट आने का इंतजार न करके वे जो प्रस्ताव लाए हैं, यह मेरी राय में निरर्थक है और तथ्यहीन हैं। महोदय, मेरा तो यहां तक मानना है कि निरर्थक ही इस सदन का समय बर्बाद करना और देश के लोगों में दुविधा एवं आशंका पैदा करने के अलावा कुछ भी नहीं है। मेरा यह भी मानना है कि सरकार द्वारा जस्टिस पाठक समिति तथ्यों की जांच करने के लिए बना दी गई हैं। इसको हमारे साथी श्री अरुण जेटली जी ने भी स्वीकार किया है कि जस्टिस पाठक ईमानदार रहे हैं और वे ईमानदारी से जांच करके तथ्य को प्रकाश में लाएंगे। हमारा सरकार से यह भी अनुरोध है कि जांचोपरान्त अगर कोई दोषी व्यक्ति प्रकाश में आता है तो उसे कतई भी बख्शा नहीं जाना चाहिए। चाहे वह किसी भी राजनैतिक दल से संबद्ध हो, चाहे कितना भी प्रभावशाली हो। यही आशा और भरोसा मैं सरकार और प्रधानमंत्री जी से करता हूँ, ताकि देश का वातावरण भ्रष्टाचारमुक्त हो सके और देश विकास की पटरी पर लाया जा सके।

SHRI PYARIMOHAN MOHAPATRA(Orissa): Mr. Deputy Chairman, Sir, I am with friends in the House who were, at the relevant time, with, the people of Iraq in their sufferings, an Iraq which was tortured by sanctions, exploited by committees and was, finally, under pressure from so many countries to give small concessions in this Oil for Food Programme. I am with all friends who saw Iraq as an opportunity to assist it on humanitarian grounds, and not to exploit it -- at a time when it was selling its oil at a price lesser than the international price which was pretty low at that time, between 16 to 19 dollars per barrel -- deliberately so that they would get

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less money. And, I am with Iraq when the poor Iraqi Government was trying to take a surcharge, not as a bribe, as many are putting it, but to run its Government machine, its army, and its essential services.

After saying this. I would also comment that our public sector and other companies have rendered a yeoman's service to Iraq over long years and decades. But what has happened? Is it the same or similar companies --and today contractual, non-contractual beneficiaries have been named in the Volcker Report; whether it is true or not, will be found out only on enquiry - that have exploited the situation to get some money out of it, to get some money out of a starving, suffering and tortured country? That is important.

The mover of the motion, Mr. Arun Jaitely, has given entire details, from, a to z of this Report, particularly relating to two non-contractual beneficiaries, namely, the Indian National Congress and Mr. Natwar Singh. And, I can add hardly anything to the facts in issue. He has also analysed the issues very critically and in great detail, and his learned friend on the other side, Mr. Kapil Sibal, has tried to demolish that analysis by clever court-room tactics. I am, indeed, concerned. We are not a courtroom to see what evidence is primary, what evidence is secondary, where the documents are hidden, whether niceties or technicalities of the law are satisfied, and all that. If it were so, you would not have divested Mr. Natwar Singh of his portfolio. Here, we have to go with a broad understanding of the issues and not get into hair- splitting legal arguments. As my hon. friend, Mr. Siddiqui, observed if there was a suspicion of a black spot, go for *agni pariksha*, and go the whole hog. That is the call of political morality, which Mr. Sibal referred to. It is unfortunate that Shri Jethmalani who is such a senior leader tried to separate the sin of the son from the responsibility of the father. He forgot that in the sixties, when an inquiry was conducted against * the sin of in the Nandan Cinema episode had cost * his job. And please remember, Mr. Jagat Singh had introduced himself as the President of the National Students Union of India, the student wing of the Congress Party, at the Indian Ambassador's party at Baghdad. Mr. Sibal was annoyed that allegations were made against a party, like Congress Party, which has stood the test of time. Yes, the Congress is 120 years old.

SHRI RAJU PARMAR: Sir, the hon. Member is quoting some names.

*Expunged as ordered by the Chair.

SHRI PYARAMOHAN MOHAPATRA: I am not casting aspersions against anybody.

MR. DEPUTY CHAIRMAN: He has not quoted any names.

SHRI PYARIMOHAN MOHAPATRA: The Congress Party is 120 years old. It is certainly an old party. *(Interruptions)*

SHRI RAJU PARMAR: He said about the NSUI President and all that. *(Interruptions)* He said it, Sir.

MR. DEPUTY CHAIRMAN: If he has removed from the record.

SHRI PYARIMOHAN MOHAPATRA: Pardon, Sir.

MR. DEPUTY CHAIRMAN: If names of persons who are not present in the House are taken, that will be removed. *(Interruptions)*

SHRI PYARIMOHAN MOHAPATRA: No, no. Is its age affecting its Competence? Look at these figures. Now, assuming, but not admitting, our teamed friend said, that the (figures are true, the Congress party was allocated four million barrels of oil, only 1.001 millions barrels of oil was lifted. It is hardly 25 per cent. Dose a century-old party, which has faced allegations of a multitude of scams during its rule of 45-plus years, avail of such a golden opportunity for a scam only to the extent of 25 per cent? And that, too while being out of power? Unbelievable. It would be sheer incompetence for such an old and mature party. Maybe, somebody in the Congress Party, not to your knowledge, has hijacked the allocation, and it should be in your interest to find the culprit, by your own in-house inquiry, whatever other inquiry bring out anything else or not. (time bell) Sir I will take a minute. Whatever be the inquiry on this issue that you are going to hold, we want it to be an all-pervasive inquiry into the conduct of everyone. The Government should have no reservations on this score. It should also include the foreign-funding of the political processes which Mr. Yedhiyur mentioned. It is a fact of life. Pressure groups cannot be wished away. Every country will take care of its own interests, and create pressures. Political morality is not satisfied by getting Mr. Natwar Singh. Two parties, let us say, the Congress Party and Mr. Natwar Singh are named. If you don't believe it, don't believe it in case of either. Don't get tired of Mr. Natwar Singh's portfolio, and sit back and say, "we are clean and white". Equity demands that action should be taken

against both, if at all, or, none. Political morality would also demand that political parties must have the guts to acknowledge that they are getting funding from different sources, including foreign funding. They should take such funds transparently into their accounts otherwise, we will be creating a mountain of learned but hypocritical words to justify the indefensible.

Thank you.

SHRI R.S. GAVAI (Maharashtra): Mr. Deputy Chairman, Sir, I will be Very brief. I will not go deep into the relevant portions of the Report At the outset, I share my memembrance when I was at the State Legislature in Maharashtra regarding the Bofors issue, which was unwanted, unwarranted and unnecessary. But because of ulterior political motto, the Opposition tried to make a number of allegations against respected Rajivji. What happened?

I believe I Said something on what the Opposition searched. I had said they searched nothing more than searching the black cat in the dank room. The exercise done by them was a futile one. How is it possible to find out a black cat in the dark room? That was my observation when allegations were leveled against Rajiv Gandhi. So , I am reminded to that The fate of al this will be the same. They will be repending-They may be doing with a Political motto.

Sir, I have my own limitations. Generally , the vouchers proble appears to rest on the evidences of the data and earlier investigations , and not a fresh one. Of course, it is mentioned earlier, sir I dare to say that a prove by the Volicker is based not on an independent inquiry but it is rather a biased one. Earlier, the hon. Speaker has mentioned observations with some references. I also have one , the observations of Mr. lavrov, a Russian official .Hementionde that on a number of occasions what the document shows isa highly dubious, forged , contained false signature. The allegations appears in Table-III which was recerred to by the hon, Member , Shri Arun jaitley. But one should not forget that the total report contains 630 pages. The relevant pages, to exploit the motto, had been referred to earlier.

Sir, I am sorry to mention that the Mover of the motion and the supoorter of the Motion have necer tried to find out the conclusion of the whole report, the evidence contained in the whole report and the bendficiaries are not clearly mentioned in the report. That is all in ambiguity, like searching a black cat in dark room.

Sir, the report is full of anomalies, full of contradictions, contradicting with each other. As a matter of fact, in spite of having relevant evidence and documents, naturally and generally an inquiry can be initiated. But we will appreciate the spirit of the Government that it has appointed a Committee. Not only that, I generally saw the mood of Madam Sonia Gandhiji who got never irritated but she got angry at a public forum and said, "I am not here to save or spare anybody, whosoever he may be, if he is guilty." What I mean to say is that the intention of the Government and the intention of Madam Sonia Gandhi is pious. There is no scope to have any doubt about the integrity of Madam Sonia Gandhi and the Prime Minister, Dr. Manmohan Singh. As I have told earlier, these 630 pages have anomalies, contradictions and there is repetition of pages as if exhibiting a picture and making contradictory statements. I have a very good example of this deceptive document. Of course, it is not my intention, but I would like to refer to the book 'Worshipping False God' written by Mr. Arun Shourie. The whole book contains 600 pages and 100 pages are repeated like this. He brought a concocted story defaming Baba Saheb Bhim Rao Ambedkar, the Chief architect of our Constitution. ...*(Interruptions)*... I raised this issue earlier also. This book is also full of contradictions. ...*(Interruptions)*... You try to prove that. ...*(Interruptions)*...

SHRI ARUN SHOURIE (Uttar Pradesh): Sir, does it have any relevance here?...
...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Then you will be disturbing Mr. Gavai,
...*(Interruptions)*...

SHRI P. CHIDAMBARAM: This is only to catch his attention
...*(Interruptions)*...

SHRI R.S. GAVAI: I have no intention ...*(Interruptions)*... He is a good friend of mine ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: If you quote him, then he has also a right to reply
...*(Interruptions)*...

SHRI R.S. GAVAI: My purpose is solved ...*(Interruptions)*... Worshipping False God also ...*(Interruptions)*... In fact, they are worshipping the false god and we are worshipping the real god. ...*(Interruptions)*... Anyhow, I do not want to deal with this subject now. *(Interruptions)*... I will conclude my speech by saying that it is very difficult for a man like me to believe this so-called report, which is full of inconsistencies, anomalies and irrelevance Thank you.

श्री तारिक अनवर (महाराष्ट्र) : उपसभापति महोदय, पिछले लगभग 5 घंटे से हम इस महत्वपूर्ण बहस में हिस्सा ले रहे हैं। महोदय, इस पूरी बहस में एक बात सामने उभारकर आयी है कि वोल्कर रिपोर्ट की सच्चाई सामने आनी चाहिए। दोनों ही पक्ष के वकीलों ने अपने-अपने तर्क रखे हैं। मैं समझता हूँ कि पूरा सदन यह चाहता है और यह राष्ट्रीय हित में भी है कि इस वोल्कर रिपोर्ट की सच्चाई सामने आनी चाहिए। महोदय, कमीशन ऑफ इंकवायरी अंपॉइंट करने के पीछे शायद सरकार की नीयत भी यही लगती है कि वह सच्चाई को सामने लाना चाहती है।

उपसभाध्यक्ष (प्रो.पी.जे. कुरियन) पीठासीन हुए

महोदय, जब से वोल्कर रिपोर्ट आयी है तब से कई **Controversies** सामने आयी है और यह बात भी सामने आयी है कि अगर कोई व्यक्ति या राजनीतिक दल दोषी हो या इसे पूरे घटनाचक्र में अगर कहीं भी वह शामिल है तो उसके खिलाफ आवश्यक कार्यवाही होनी चाहिए। इसमें किसी प्रकार के भेदभाव की गुंजाइश नहीं है। उपसभाध्यक्ष महोदय, आज की बहस में एक और पक्ष सामने उभर कर आया है, जिसके बारे में माननीय राम जेटमलानी जी ने कहा है कि शायद इसके पीछे कोई साजिश भी हो सकती है। हम इस बात से भी इनकार नहीं कर सकते हैं क्योंकि यदि सही मायनों में देखा जाए तो वोल्कर रिपोर्ट का सबसे ज्यादा इस्तेमाल अमेरिका के द्वारा किया जा रहा है। यह प्रचार करने की कोशिश हो रही है कि जो इराक वार हुआ था या जो सैक्शन हुआ था, उसका जिन लोगों ने विरोध किया था या जिन देशों ने विरोध किया था, इराक ने इनको इन्फ्लुएंस करने के लिए, उनको अपने पक्ष में लाने के लिए "ऑयल फॉर फूड प्रोग्राम" के तहत उनकी आर्थिक मदद करने की कोशिश की थी, उनको इन्फ्लुएंस करने की कोशिश की थी। यह प्रचार अभी भी जारी है। साजिश की जो बात हमने कही और जिसका जिक्र अभी गवर्नर साहब ने भी किया, इसका सबसे बड़ा उदाहरण यह है कि रशिया के विदेश मंत्री सर्गेई लावरोव ने कहा कि उनके सामने जितने भी डॉक्यूमेंट्स पेश किए गए, वे सारे झुवियस थे या फोर्ज्ड थे, रशियन ऑफिसर के जितने भी सिग्नेचर थे, वे फोर्ज्ड थे। यह दुनिया का एक महत्वपूर्ण देश है। उसके विदेश मंत्री का यह बयान है। उसके साथ-ही-साथ वोल्कर कमेटी में रशिया के एक बहुत ही महत्वपूर्ण और जिम्मेदार पदाधिकारी हैं और जो वहां के राष्ट्रपति के एडमिनिस्ट्रेशन में हेड आफ दे प्रेसिडेंशियल एडमिनिस्ट्रेशन है, मि0 अलेक्जेंडर वोल्शिन, उनका नाम भी इसमें शामिल किया गया था। उसकी वोल्कर कमेटी ने स्वीकार किया है। इस प्रकार जो बात मैंने कही कि इससे वोल्कर तमाम जांच होने के बाद यह पला चला कि उसका सिग्नेचर फोर्ज्ड था और इस फैक्ट को खुद कमेटी की जो विश्वासनीयता है उसकी जो सच्चाई है, उस पर एक शक-व-शुबह पैदा होता है। इसलिए ऐसा कोई भी कदम उठाने से पहले उसकी पूरी जांच होनी आवश्यक है।

इसी तरह से ब्रिटेन के एक बहुत ही मशहूर राजनीतिक नेता, वहीं के पॉलिटिशियन, जॉर्ज गैलोवे हैं(समय की घंटी).... उन पर भी ब्रिटिश और अमेरिकन गवर्नमेंट के द्वारा यह चार्ज लगाया गया

हैं कि इस "ऑयल फॉर फूड प्रोग्राम" में उनको पैसा मिला है या उनकी आर्थिक मदद हुई है जिसके बारे में बाद में वह कहा गया कि वह गलत था, इस रिपोर्ट में कोई सच्चाई नहीं थी और वोल्कर रिपोर्ट के इस आरोप को निराधार पाया गया था।

उसी तरह से उपसभाध्यक्ष महोदय, यह बात बिल्कुल स्पष्ट है कि यहां सरकार के ऊपर या कांग्रेस के ऊपर या श्री नटवर सिंह जी के ऊपर जो आरोप लगाये गये और हमारी सरकार के पक्ष से जो बातें कही गई हैं कि इसमें किसी तरह का कोई भेदभाव नहीं किया जाएगा, जो सच्चाई है, सरकार उसको सामने लाने का पूरा प्रयास कर रही है। इसी उद्देश्य से हमारे बहुत ही आदरणीय और फॉरमार् चीफ जस्टिस आर. एम. पाठक जी को इस इन्वायरी कमीशन की जिम्मेदारी दी गई है, इसी के साथ ही साथ वीरेन्द्र दयाल जी, जो फॉर्मर अंडर सेक्रेटरी यूनाइटेड नेशन्स के थे, उनको डॉक्यूमेंट्स लाने की जिम्मेदारी दी गई थी और बात अखबारों में आ चुकी है कि दयाल साहब के सुपुर्द सारे कागजात हो चुके हैं।

THE VTCE CHAIRMAN (PROF. P. J. KURIAN): Please conclude. Time allotted to your party is over.

श्री तारिक अनवर : महोदय, हम लोगों को थोड़ा इंतजार करना चाहिए। जो भी चीज है, उसमें किसी प्रकार की जल्दबाजी करने की जरूरत नहीं है, क्योंकि जैसा मैंने कहा, इसके पीछे कोई साजिश हो सकती है, किसी को बदनाम करने की भी बात हो सकती है। इसलिए सारी सच्चाई को सामने आने दीजिए। मैं यह मानता हूं कि इस मामले में सरकार ने किसी प्रकार का कोई विलंब नहीं किया है बल्कि ठीक समय पर फैसला लेकर कमीशन ऑफ इन्वायरी को बैठाया और इसकी जिम्मेदारी जस्टिस पाठक को सौंप कर कोशिश की है कि सारी सच्चाई सामने आए। भारत का चाहे वह कोई राजनीतिक दल हो या राजनेता हो, अगर उस पर इस तरह का आरोप लगाने का प्रबंध किया जाता है या इज्जाम लगाने का प्रयास किया जाता है तो वह किसी एक राजनैतिक दल की बात नहीं है, किसी एक राजनेता की बात नहीं है। वह पूरे देश का सवाल है देश की इमेज का सवाल है और इसलिए अरुण जेटली जी जो यह प्रस्ताव सदन में लाए हैं। मैं इसका विरोध करता हूं। और चाहता हूं कि इस मामले पर हम लोगों को पूरी संजीदगी के साथ सोचना चाहिए। इसी के साथ ही सरकार की ओर से जो कदम उठाया गया है, उसका मैं समर्थन करता हूं। धन्यवाद।

SHRI N.JOTHI: Sir, I thank you very much for the opportunity given to me.

THE VICE-CHAIRMAN (PROF. P. J. KURIAN): You have only five minutes- I hope that nobody will interrupt you.

SHRI N. JOTHI: Sir, M. Kapil Sibal has said that there is no evidence available. Nor, Mr. Volcker could be equaled with a Grand jury that is.

His finding. I am having the Report with me. The Report banks upon a particular Chapter, Chapter-III, Sub-Clause (a), which speaks about the source of evidence. What is the source of evidence? Much of the source of evidence has come from the contemporaneous documentation and data provided by the various Iraqi contracting Ministries, including financial ledgers, internal correspondence and database records. Other evidence is in the form of bank records, deposits as information provided by the suppliers participated in the transactions, their agents and the shipping companies. This is the available evidence. The specific source of information is given. This is the position. Now they don't want to go to the real place, nor are interested in laying their hands on the real documents. That is the reason why they are not having a full-fledged Commission nor any Terms of Reference have been given to it. The setting up of a Commission is eyewash. There is no difficulty in understanding that. Section 4 of the Commission of Enquiries Act, 1952, illustrates the powers of the Commission. The powers of the Commission are civil court powers. Civil court powers are applicable as in CPC. It is applicable only within the boundaries of India. It will not go beyond India. Whereas, if you could register an FIR, as advocated by Mr. Ram Jethmalani, you can invoke powers under Section 166A of the Cr. P.C. so that criminal court can issue letter rogatory. This they conveniently avoided.(Interruptions).... This is the reason why they do not want to register an FIR. It need not be registered against any individual. It can be, for the present, termed not be registered against, any individual. It can be, for the present, termed as "unknown persons". Even that is also permissible under law. They can investigate. They can register an FIR and seek for letter rogatory. They cannot do it. They are not interested because they knew it very well that the UNO was liked by Pandit Jawaharlal Nehru because at the time of Chinese aggression we went to the UNO to safeguard our territories. We are not discussing about the UNO. The culture has now come to disrespect the UNO because this report is pointing against them. So, they do not want to respect this Report. This is the position....(Interruptions)... Sir, it is quite unbearable.....(Interruptions)... They are not in a position to bear anything. They only bear the people who....(Interruptions)

THE VICE- CHAIRMAN) PROF. P.J. KURIAN): You address the Chair(Interruptions)... Don't be(Interruptions)...

SHRI N. JOTHI: How can I address the Chair when there are so many Interruptions...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Please don't interrupt. ...*(Interruptions)*... You proceed please. You have only five minutes. ...*(Interruptions)*...

SHRI N. JOTHI: Sir, under the circumstances, even in constiuting the Commission of Inquiry, they have not acted honestly. They have not given any terms of reference Under such circumstances, what can justice R.S. Pathak do? He cannot do anything. As Mr. Volcker has not done anything, since he has no powers. Justice Pathak also has no powers. They want only that powerless commission because they only want to get a clean chit that everything is fine, everything is okay, and show to the world that they are very good people. But people, in this Chamber, are not so as you think. They are much larger in thinking. And, we are here to tell the people that these people are not good people, and they are not interested to know what is what. ...*(Interruptions)*... There are only interested to know what is what. ...*(Interruptions)*... There are only contractors like Dr. Subbarami Reddy. ...*(Interruptions)*... Yes, contractors' party. ...*(Interruptions)*... I am telling you. ...*(Interruptions)*...

SHRI KB. KRISHNA MURTHY(Karnataka): No, no. It should be removed from the record. ...*(Interruptions)*...

SHRI N. JOTHI: Sir, there is a gentleman in this House, whom I know, but he does not know me. And, he is Mr. A.K. Antony. I respect him because once, one a simple matter, he took moral responsibility and resigned at the age of 39. He is a great man. ...*(Interruptions)*... Yes, I appreciate him. But, honestly speaking, it is his greatness. There are one or two such people. That is why the Congress Party is surviving. ...*(Interruptions)*... That is why it is surviving. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Please. ...*(Interruptions)*... Please. ...*(Interruptions)*....

SHRI V. NARAYANASAMY: I am on a point of information, Sir. ...*(Interruptions)*... The hon. Member was saying.. ...*(Interruptions)*... In 2004, in the elections, the people of Tamil Nadu had decided. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Mr. Jothi, please conclude. Your five minutes are over. ...*(Interruptions)*... You can take one or two minutes more. ...*(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: Sir, he will give a list of great men. ...*(Interruptions)*...

SHRI N. JOTHI: Your name will not be there. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Now, conclude please, Mr. Jothi. ...*(Interruptions)*... Your time is over, you can take one or two minutes more. ...*(Interruptions)*...

SHRI N. JOTHI: Sir, they can have a laugh here. They even succeed in. ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): No, no. You come to your point. ...*(Interruptions)*... Don't react to them. ...*(Interruptions)*... You come to your point ...*(Interruptions)*...

SHRI N. JOTHI: Sir, I am just going to conclude. They may have a laugh here. They may even succeed in opposing this motion. But the last laugh belongs to public and belongs to us. This is what we want to tell you. ...*(Interruptions)*... Sir, I see what kind of people are defending this motion. Who are they? Who is, ultimately, going to defend this motion? If that is the level of the Congress Party, I pity them, I pity them/1 pity them.

SHRI ASHWANI KUMAR (Punjab): Thank you Mr. Vice-Chairman, Sir, for giving me this opportunity to place my views for consideration by this august House in the matter of great public importance. Sir, I seek to displace the burden of the motion moved by Mr. Arun Jaitley by addressing three integral elements in the debate. The first and the foremost on which Mr. Jaitley mounted the motion was the argument of political morality and probity in public life. The second element is the constitutional morality and, Sir, may I start by telling my good friend, Mr. Jaitley, that if there was one element in the debate on which he was not on firm ground, it was the element of political morality. Sir, I have the honour of representing a party, that is, a party of the freedom movement, that has the longest history of service and sacrifice in pre-independent and post-independent India. I am proud to be a member of the Party and responding in that capacity. A party whose leadership before independence and after independence have set the highest standards of public morality and probity in public life. I do not want to talk of the innumerable scams that have vitiated forever the track record of the NDA. A reference has been made to many of those and since my time is limited, I do not want to repeat the allegations and the illustrations

Of intractions of political morality by the Opposition. Sir, here is a Government that within 21 days succeeded in initiating a series of measures aimed at inquiring the charges against itself and against a senior, distinguished Member of the Cabinet. I think the record of such probity is unparalleled in the political discourse of history of independent India. Sir, the Prime Minister's first statement was that the conclusions or observations in the Volcker Committee are unverified, which they remain till date. His second response was to nominate a special envoy to collect the material that could, perhaps, become a justification for the conclusions in the report. And his third action was to have the R.S./ Pathak Committee headed by a man of great eminence not only in India, but internationally so that justice is not only done but is also seen to be done. Sir, his actions and conduct that speaks for itself. The falsity of the charge in the Motion is writ large on its face and the motion seeks to allege that there is failure on the part of the Government to take action on the report. If all these steps are not concrete and positive symbols of action. I ask myself the question. What else could have been done in such a short period? So much, Sir, for political morality and probity in public life.

Sir, the second element of which there has been profound discussions in this House is the element of constitutionality, of constitutional morality about the foundations in the report Sir, it is now and admitted fact that no notice was given to any of the alleged beneficiaries in the deal. Sir, our jurisprudence, and you know it better than anyone else that any finding in breach of the first principles of natural justice, that is, notice to a party to defend itself is not only illegal, is it is non est it is a nullity in law. This is a non-negotiable principle of jurisprudence.....(Interruptions)...

SHRI NILOTPAL BASU : Sir(Interruptions)...

SHRI ASHWANI KUMAR : I am not yielding(Interruptions)...

SHRI NILOTPAL BASU: Sir, I have to make a point(Interruptions)...

At the beginning of the debate, we decided on a tie schedule, Sir, we expect that at least the bigger parties should stick to it(Interruptions)...

SHRI ASHWANI KUMAR : Sir, I have a right to say: My party has given my name.....(Interruptions)...

SHRI NILOTPAL BASU: Sir, I think, it is unfair(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Mr. Nilotpal Basu, listen to me...(Interruptions)...

Okay, please sit down...(Interruptions)...

SHRI NILOTPAL BASU: There should be some limit...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Mr. Nilotpal Basu, please listen to me...(Interruptions).... Please sit down...(Interruptions).... Okay, okay, please resume your seat ...(Interruptions).... That is all...(Interruptions).... I will take care of that...(Interruptions).... Don't worry...(Interruptions).... That is all...(Interruptions).... Okay now please conclude Mr. Ashwani Kumar.

SHRI ASHWANI KUMAR: I was addressing to the...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Please conclude Mr. Ashwani Kumar.

SHRI ASHWANI KUMAR: ...from the constitutionality of it. And, I said that any conclusion ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN). Now please conclude.

SHRI ASHWANI KUMAR: Sir, I would have concluded had he not interrupted me...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Your time is over...(Interruptions).... Your time is over...(Interruptions)....

SHRI ASHWANI KUMAR: Please give me some time. I have something to say...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Please conclude.

SHRI ASHWANI KUMAR: So, Sir, my respectful submission is that on the other aspect of the unconstitutionality of the findings also the Opposition Motion has not legs to stand on. ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Please conclude.

SHRI ASHWANI KUMAR: Sir, the need for an investigation which this Government has in its wisdom ordered is justified not by what we in this country alone feel. And I have to quote an eminent journalist by the name

of Claudia Rosett, writing in the weekly Standard about the report, and she said and we have the greatest respect for Mr. Volcker and the UN... *(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Please quote and conclude.

SHRI ASHWANI KUMAR: "The report is hefty but definitive it is not." it is a patchwork of dropped leads and watered down judgments, leading in some cases to unwarranted and even bizarre conclusions. Arrives at Oddly limp conclusions, and is vitiated by 'reflexive secrecy.' ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Please Okay, that is enough... *(Interruptions)*...

SHRI ASHWANI KUMAR: No, Sir, please give one minute to conclude... *(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): No, no. The time is over... *(Interruptions)*...

SHRI ASHWANI KUMAR: Nothing more could have been said about the... *(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Your time is over...*(Interruptions)*... You had only five minutes ...*(Interruptions)*... You have spent more than that...*(Interruptions)*...

SHRI ASHWANI KUMAR: Sir, I will not yield, One last word and the last word is that in 2002 when the then Petroleum Minister was informed about the surcharge payments, it was not only his duty but his responsibility to ensure that action that is now sought by the Opposition benches ought to have been taken then, and, therefore, Sir, those who live in glass houses need not pelt stones.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Okay...*(Interruptions)*...

SHRI ASHWANI KUMAR: In the end, I have to conclude by sayings... *(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Please, it is my job, not your job.

SHRI ASHWANI KUMAR: If your case is demolished, don't deny me the last word, and the last word is:

“महफिल की नजर ही मैजान है,
तोल आप न अपने को मुल्लाह,
जिस दाम बिके जो चीज
वही उस चीज की कीमत होती है।”

SHRI MANOJ BHATTACHARYA(West Bengal): Sir, I am indeed grateful to you for providing me a chance at last, And Sir, I am indeed quite benefited today after hearing my erudite colleagues in this House, particularly, the legal luminaries, starting from my friend Shri Arun Jaitley to my friend Shri Kapil Sibal, Shri Ram Jethmalani and others. I can't name everybody. So, the names which I am not taking, kindly do not take me otherwise that I have not taken your name. I am taking all the names of legal luminaries...(Interruptions)... Thank you very much...(Interruptions)... Please, my time is very limited. ...(Interruptions)... Sir, personally, I have felt that, perhaps, we have indulged in some self-deception insofar as our knowledge about the present event is concerned/Sir, my friend Mr. Jothi was referring to the days of Pt. Jawahar Lal Nehru when the matter of Sino-Indian border skirmishes was taken to the UN. We have high respect and recognition for the UN. But, today, the UN, as many of the friends of ours would understand, has been subordinated to a foreign office of the United States of America. And, this UN has appointed a committee, in the name of Paul Volcker, who has been a very high dignitary in the US Administration. Paul A Volcker, a former chairman of the US Federal Reserve, headed the Committee, which also included South Africa's white judge, justice Richard Goldstone and Switzerland's Mark Pieth, Chairman of the Working Group on Bribery in International Transactions at the Organisation for Economic Cooperation and Development. The Committee found that Saddam's regime had devised a scheme to fox the UN pilfer money for itself from the Oil for Food Programme. Sir, the very intention of the Committee was to put blemishes on Saddam. Hussein or the Iraqi Administration, the regime change what they wanted. And Sir, what they desired some two year's ago in 2003 - what is the condition there in America? Why has it necessitated formation of such a Committee? I would like to bring to the notice of this House that the necessity of the formation

of such a Volcker Committee was primarily to justify its actions or inactions on Iraq, which has pulled down the image of President Bush in America itself. That necessitated the appointment of the Volcker Committee, and I personally do not find it prudent to discuss the Volcker Committee report. Even though I should compliment the present Government that it has instituted an Inquiry Commission and they have also advised the Special Envoy in the UN, Mr. Virendra Dayal, to assist the Inquiry Commission which is headed by Justice R.S. Pathak.

[MR. DEPUTY CHAIRMAN in the Chair.]

Sir, I just, in brief, would like to say what necessitated the institution or constitution of such a committee. Sir, there are some who believe that the US had kicked the Vietnam syndrome after the Gulf War in 1991. But as British historian Naill Ferguson notes in a book "Colossus: The Rise and Fall of the American Empire", the American electorate has become more sensitive to war casualties since then. It is not only this that the American soldiers have killed thousands and thousands, millions of Iraqi people, innocent Iraqi people, children, women. It is not like this. In the fray, the American soldiers also had to suffer casualties and that has led to a strong debate in the America itself. Today, the support for Iraq War among the American people has continued to fall. A primary factor behind the decline in public support for the war is the rising number of American casualties, which now include 2,100 killed and some 16,000 wounded. About two-thirds of Americans are opposed to President Bush's handling of the war in Iraq, 60 per cent feel it was a mistake to go to war in the first place, 52 per cent would like the troops to be brought back home in the next twelve months and, more, tellingly, 50 per cent think the US won't win the war. Of the last mentioned group, not all assert that the US cannot militarily win the war but all agree that the US no longer has the will to win it, because it is an impossible task.

And what is more challenging is the invincibility of America in the unipolar world. The United States of America has been professing the unipolarity in this world, and in the name of establishing unipolarity, they are flexing the muscles against every nation and their history of perpetuating assaults, atrocious attacks on many independent nations are replete in the history of the civilisation of ours. Sir, I am not interested in handling the brief of Saddam Hussein, but my heart goes with the common people of Iraq, with the poor people of Iraq who are being killed every day. Every day, every

now and then, the people are being killed and the public opinion about the aggression of America, the most gruesome aggression of America is also against Bush. So, the Bush Administration, the Bush, Dick Cheney and Rumsfeld Administration, this trio has felt the necessity of constituting some commission by which they can deflect the attention of the people and can justify the actions in America itself. That is the reason why the Volcker Committee has been constituted. ...*(Time-bell)*... So, Sir, I personally feel that that this sort of a Committee that has named some persons, even though they have not only named K. Natwar Singh or the Congress Party alone, but they have also named some corporate houses, some pharma companies like Cipla, Ajanta Pharma, even Reliance industries, some public sector enterprises. ...*(Time-bell)*...

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

SHRI MANOJ BHATTACHARYA: Sir, I am just concluding. I am just concluding. I find that every time I get victimised. I also look at the clock. Sir, now these private companies, particularly, the Reliance Industries, have been implicated. Tata is also implicated. Many other companies, like the Wockhardt Company, have been implicated. Now, this is a peculiar design and I do not believe in the conspiracy theory because it is usual design of the American imperialism, and it is the way in which the American Administration functions. So, Sir, this has to be taken in this light. Sir, the last thing I would like to say is this. It has already been raised in the House. It is related to the Foreign Affairs Department of the erstwhile Government headed by Atal Bihari Vajpayee. I am not going to talk about Mr. Ram Naik's complicity, on this issue. Many of my colleagues have raised it.

MR. DEPUTY CHAIRMAN: Please, conclude.

SHRI MANOJ BHATTACHARYA: Kindly allow me, Sir; I just want to make a mention about a very interesting letter written by Mr. V.V. Tyagi, the then Ambassador of Iraq.

MR. DEPUTY CHAIRMAN: No, that has already been ...*(Interruptions)*...

SHRI MANOJ BHATTACHARYA: Sir, I have just one suggestion to make. Many people have made suggestions that the Inquiry Committee should handle this too. This letter of 28th January by Mr. V.V. Tyagi and the information that has been passed over to the House by Mr. Yashwant Sinha

should also be covered under the inquiry. The letters of correspondence made during that time should also be taken up for inquiry, although I, personally once again declare on behalf of my party, the Revolutionary Socialist Party, that I do not believe in the Volcker Committee Report, because the Volcker Committee has been appointed at the insistence of the American administration to save the faces of Bush, Dick Cheney and Rumsfeld. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Mr. Sharad Joshi, you have five minutes.

SHRI SHARAD ANANTRAO JOSHI (Maharashtra): Mr. Deputy Chairman Sir, I am one of the fifteen movers of the Motion and I am possibly the last member to speak on this subject. I had signed the Motion with the hope that my party and I would be able to put before the House our position on what we call the 'Saddamgate of UPA'. The position is very similar to Watergate. When the first news appeared about Watergate, the first reaction of President Nixon was -1 would not be drawn into any controversy about a third-rate burglary.

Starting from giving a clean chit, step by step, playing the damage containment action, the ruling party is moving in the right direction. I do not know why, they took an opposite stand in the beginning. One can understand Nixon taking a vicious position, but the Congress Party, as so many others mentioned, has a long and glorious tradition. It should not have fallen a victim to this kind of tactic. But as they say,

“पौलस्त्यः कथं अन्यदारहरणे दोषं न विज्ञातवान्;

रामेणामि कथं ने हेमहरिणस्यासंभवो लक्षितः ।

अक्षैश्चापि युधिष्ठिरेण सहसा प्राह्मो हिअनर्थः कथं

प्रत्यासन्नविपत्तिं मूढमनसां प्रायोमतिः क्षयिते ॥”

How did the great Ravana not know that kidnapping other man's wife is wrong? How did Rama ignore that golden deers don't exist? How did Yudhistira play with the dice? It happened because even great men, when disaster and fall approaches, suddenly start thinking in an absurd manner.

I would say that my party stands for establishing truth in this case. I am defining Truth finding in a very clearway. Shri Sitaram Yechury mentioned that the Foreign Minister of the United States did not think highly about

the Volcker Report. I don't care. Then, even Shri Kapil Sibal mentioned that the Report does not prove anything. I would ask 'Even if the Report came to the conclusion that Mr. Natwar Singh and the Congress Party were guilty, would you really, immediately, put them in jail? I would be opposed to that. I would stand to defend them because these people have to be found guilty by a legal procedure, an inquiry procedure in India, and not by any other party. Simply because some other party says that they are guilty, I would not accept it. In this case, for example, I would say that there has been talk only about Mr. Natwar Singh's Culpobilitis and the Congress Party has not been mentioned.

I would like to say that there is much more to be done on the front of the Congress Party's responsibility. Nobody has tried to locate the smoking gun with anybody else. Now, on the sort of issues that need to be examined, I would like to point out that there is a letter, signed on behalf of the Congress Party, addressed to Saddam Hussein, which forms a part of the record of the Volcker Committee, and I hope that Dayal gets a copy of that letter. Secondly, there is a mention in the Volcker Committee-Report about a Letter of Credit which was issued by a particular company, Vittol Limited, which has an office in Mumbai. The Letter of Credit could not have been issued unless the other party was consulted and we know which party was consulted on that. We have concrete proof about that. Thirdly, what happened to the money that was given to the Congress Party? There is a clear evidence that firstly, it was deposited in an account in the Bank of America, Cayman Island, and from there it came to India by a participatory note details of which cannot be disclosed because of a modification made by Mr. P. Chidambaram, even by the SEBI. Now, if we permitted the SEBI to open that secrecy and let us know who is the beneficiary of that participatory note, then I think most of the facts would be clear and all these facts point out.*

MR. DEPUTY CHAIRMAN: Remove this from the proceedigns. I have removed it.

SHRI M.P. ABDUSSAMAD SAMADANI (Kerala): Thank you, Mr. Deputy Chairman, Sir, for permitting me to speak a few words in this discussion representing my party. Sir, many of our learned and hon. Members have pointed out that this is a very useful and effective debate. I am not

*Not recorded.

contradicting them and their views. But I have a doubt whether we should discuss this kind of a matter that is based on certain subjects which have no authenticity. I feel, Sir, the entire crux of the matter is related with authenticity. The Parliament, the highest body of the country, has a great value. When we take something into discussion depending on certain books, certain reports or certain archives, that, I feel, degrades the standard and status of this august body, Sir, even in a country like America many people feel that the entire oil-for-food scandal was politically manipulated. Even in America, many people have that feeling and throughout the world the feeling is very large. Sir, this is intended to tar nations, parties and individuals, and such fingers are being pointed out from abroad. I cannot understand why should we heed or why should we listen to this kind of allegation coming from outside. I feel, Sir, that nobody in this country can point a finger of allegation of corruption against the leadership of Madam Sonia Gandhi who became ready to refuse the highest position when that was presented to her, and the country has complete faith in the leadership of hon. Prime Minister, Shri Manmohan Singhji, his purity, his clarity of personality, his simplicity and his honesty. Sir, what else the Prime Minister should do? That the opposition, based on the political regularity, political morality and ethics, has got a responsibility to explain to this country. Kofi Annan continues in his job though there is serious allegations against his son in this Report. He continues with his job, and many other political personalities in other countries continue with their jobs. The only political personality who has lost his job in the background of this report is Natwar Singh and that itself shows the attitude of the Congress Party and the Government when it takes in account this kind of an issue. Sir, why is this hue and cry in India along? France rejected it; Russia rejected it; China rejected it; New Zealand rejected it and South Africa rejected it. I would like to quote the Russian Foreign Minister, Mr. Sergey Lavrov, who said that many names of senior Russian officers referred in this Report are fabricated. That is the statement made by the Russian Foreign Minister. So, Sir, it could have been a great marvellous national scene if all the political parties of the country joining together and putting faith in the leadership of the Prime Minister and the Government and standing as a rock against this kind of an allegation coming from outside. National pride means to seek, to assure some kind of a national unity before this kind of allegations. Sir, coming to the authenticity of these papers, there is a very serious view presented by some of the experts that there is all

chance for these papers to be forged documents. Mr. Hazimul Ameen, who is working for a London based Arabic daily newspapers called Hyatt, I want to quote him, said, "Document experts in Baghdad talk about a large number of forgeries circulating in Baghdad". And, Sir, after this US blockage, the entire Baghdad was in fire. How can these papers be saved without any kind of destruction, and where from these papers were collected? This is an intelligent man's doubt which has to be satisfied when we make such kind of allegations. *(Time-bell)*. Sir, letter heads of the Ministers were stolen. Mr. Sajid Ahmad Ali, who is another journalist, said he was hired to forge contracts, implicating certain persons. This kind of things happened in that country. Sir, our hon. friends sitting in the Opposition are actually arguing for conviction before trial. That has no justification in the legal affairs. There is not a single word about Shri Natwar Singh properly in the Report. Shri Natwar Singh's name along with that of the Congress figures only in an annexure to the Volcker's Report, in a table recording figures, not in the text of the Report. Nobody can even say that Shri Natwar Singh even made any correspondence with the Iraqi Government or Masfield. Sir, Mr. Volcker himself had claimed that all those named in the Report has been issued an opportunity to respond to the allegations against them. But, Sir, Shri Natwar Singh and Shri Bhim Singh have on record stated that they knew of the allegations only through media. Not a single piece of evidence has come out to support the view that his son used the opportunity to handle funds for the Congress party. And, Sir, no offence against Indian or international law has been established to have taken place. Again, Sir, trying to make a case on the basis of presumptions, when we looked at the senior UN officials, they themselves ...*(Interruptions)*.

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

*SHRI M.P. ABDUSSAMAD SAMADANI: I am concluding, Sir. I am concluding. Senior UN officials have stated that the Volcker Report should not be viewed as a charge sheet. This is the statement made by the UN officials. So, Sir, while concluding, I would like to draw the attention of the august House to the vulnerable international condition in politics that exists now a days. The sensitive condition, the condition of strife, animosity, many things are going on at international level, many conspiracies are there. Why should we be a party to this kind of a conspiracy and to sacrifice a person, a leader, like Shri Natwar Singh for baseless allegations? That will be against the spirit of the country, against the spirit of our

†[] Transliteration in Urdu Script.

6.00 P.M.

democracy, against our national pride. Sir, I would like to conclude by putting all faith in the leadership of our hon. Prime Minister Manmohan Singhji quoting Allama Iqbal

“यकीन मोहकम अमल पेहम, मोहब्बत फातेह आलम,
जिहाद-ए-जिन्दगानी में, ये हैं मर्दों की शमशीरें।”

یقین محکم عمل پیہم محبت فاتح عالم
جہاد زندگانی میں یہ ہیں مردوں کی شمشیریں

यकीन मोहकम, deep faith अमल पेहम, continuous work मोहब्बत फाती है आलम, the love that conquers the entire world, जिहाद-ए-जिन्दगानी में, in the battle field of life, ये हैं मर्दों की शमशीरें, these are the weapons of men. And, I feel, our Prime Minister has enough weapons of love, affection simplicity to fight all the opposition.

MR. DEPUTY CHAIRMAN: Mr. Shunmugasundaram, last, you have got only three minutes.

SHRI R. SHUNMUGASUNDARAM (Tamil Nadu): Sir, I am very happy to participate in this discussion which relates to purity in public life. Sir, I am really... *(Interruptions)*..

MR. DEPUTY CHAIRMAN: Please, don't raise any Tamil Nadu controversy.

SHRI R. SHUNMUGASUNDARAM: No, Sir. Sir, I am very fortunate to listen to so many speakers. They gave so much of details about this particular case. We are very happy what my friend, the previous speaker, referred about Soniaji. That lady, one of the greatest women in this country, was elected by the Congress Parliamentary Party to be its leader. She went to the Rashtrapati Bhawan with the letter of support of the entire party in her hand and refused to accept the office. It was one of the greatest sacrifices. She stood as an example for the entire public life of this country. ...*(Interruptions)*... On the contrary, we see some other ladies who are rushing to Raj Bhavans even after three convictions—three convictions in corruption cases. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Shunmugasundaram, I told you ...*(Interruptions)*... Please, conclude. ...*(Interruptions)*... Please, conclude. *(Interruptions)*...

SHRI N. JOTHI: What about the Sarkaria Commission?

MR. DEPUTY CHAIRMAN: Please, sit down. *(Interruptions)* Mr. Jothi, please, sit down. ...*(Interruptions)*...

SHRI R. SHUNMUGASUNDARAM: Sir, I would only like this august House to discuss it and set a standard for public life. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please, speak on the subject. ...*(Interruptions)*...

SHRI R. SHUNMUGASUNDARAM: Sir, I am not talking about corruption, and corrupt ladies; I am only talking about setting standards in public life. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Shunmugasundaram, please, speak on the Motion... *(Interruptions)*... Please, conclude. *(Interruptions)*

SHRI N. JOTHI: Sir, he is...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Jothi, please sit down *(Interruptions)*... Please, sit down. ...*(Interruptions)*...

SHRI N. JOTHI: Sir, he is unnecessarily raising this issue. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: He has not taken any name; otherwise I would have expunged it. ...*(Interruptions)*...

SHRI R. SHUNMUGASUNDARAM: Sir, I am only ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please, speak on the subject...*(Interruptions)*

SHRI R. SHUNMUGASUNDARAM: Sir, I am only suggesting that let this House set a standard that those persons ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Nothing will go on record. Whatever Mr. Shunmugasundaram says will go on record. Nothing else will go on record. ...*(Interruptions)*...

SHRI R. SHUNMUGASUNDARAM: Sir, I am not referring to anyone.*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I cautioned you from raising Tamil Nadu's issue here. You only speak on the Volcker Committee Report. But you are. ...*(Interruptions)*...

SHRI R. SHUNMUGASUNDARAM: Sir, ultimately, Volcker or no-Volcker, we want to set standards in public life. Let us all agree that at least a person who is facing trial in corruption cases and who. ...*(Interruptions)*... *(Time-bell)*

MR. DEPUTY CHAIRMAN: Please, conclude. Now, the hon. Minister will reply. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: Mr. Deputy Chairman, Sir, ...*(Interruptions)*...

SHRI N. JOTHI: Mr. Deputy Chairman, Sir, I have a point of order. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: What is your point of order?... *(Interruptions)*...

SHRI N. JOTHI: Let me tell you what is my point of order. ...*(Interruptions)*...

My point of order.. *(Interruptions)*... You listen to me. ...*(Interruptions)*... Why don't you listen to me? ...*(Interruptions)*... My point of order is ...*(Interruptions)*...

SHRI V NARAYANASAMY: Tell the Rule.

SHRI N. JOTHI: Yes, I am telling, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Narayanasamy, please, let me listen to him.

SHRI N. JOTHI: Sir, my point of order is that we are now discussing the Volcker Committee Report to the extent that Mr. Natwar Singh is under the shadow of doubt on this issue. There are some findings against him and he should not continue as a Minister. We AIADMK Party people, a few days ago, represented...*(Interruptions)*... to the hon. Prime Minister ...*(Interruptions)*...

SHRI VAYALAR RAVI: Sir, I have a point of order. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: What is your point of order? ...*(Interruptions)*... Mr. Jothi, no point of order. ...*(Interruptions)*... The hon. Minister...*(Interruptions)* No, there is no point of order ...*(Interruptions)*...

There is no point of order. ...*(Interruptions)*... Mr. Jothi, no point of order. *(Interruptions)* Hon. Minister. ...*(Interruptions)*... Whatever Mr. Jothi is saying will not go on record. ...*(Interruptions)*... There is no point of order.

SHRI P. CHIDAMBARAM: Mr. Deputy Chairman, Sir, nearly 18-19 hon. Members have spoken on the debate initiated by my good friend, Shri Arun Jaitley. It's been many months since Arun and I had stood up either on opposite sides or on the same side. It's always a pleasure to hear him. When he has a very strong case, he is very brief. But when he has a poor case, he needs 70 minutes. Sir, I don't wish to get into a legal debate. Most of the legal issues have been splendidly answered by my good friend, Shri Kapil Sibal, the Minister of State for Science and Technology. The point is even on the Volcker Report, we heard two very persuasive legal arguments. Two lawyers of eminence, Shri Jaitley and Shri Sibal, did not agree whether this constitutes a report which can be acted upon or a report which has to be further investigated. In fact, they did not agree whether what is in the report is evidence or conclusions. I could be partisan and say I agree with Shri Kapil Sibal which I do. But please look at it objectively. Please look at it objectively from the objective chair that you sit on. Here is a document which is clearly not a judgment. If the judge had written this report, would he not have said in the annexures, the list of witnesses, the list of exhibits, the list of documents, etc.? Nothing is there in the report. These are what we call 'conclusions' and no one is questioning the liberty of the Volcker Committee to reach 'conclusions'. They reached the conclusions. These conclusions may be right or may be wrong. These conclusions have been reached in a particular manner which I will demonstrate. That may accord with our sense of propriety and fairness; or that may offend our sense of propriety and fairness. Let me give you one example. Would my friend, Mr. Jaitley, support the conclusions if I am able to show that no notice was given to any of the people named in that conclusion? He says the Justice Pathak Inquiry Authority is an eyewash because Section 8B power is not given to Justice Pathak. I will deal with that later. Let us take the principle of Section 8B. Section 8B of the Commissions of Inquiry Act says, if at any stage of inquiry the commission

- (a) considers it necessary to inquire into the conduct of any person or
- (b) is of opinion that the reputation of any person is likely to be prejudicially affected by the Inquiry, the Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence.

(MR. CHAIRMAN in the Chair)

Accordingly to Mr. Jaitely, which I don't agree, since this power is not given to the Justice Pathak Inquiry Authority, the Justice Pathak Inquiry Authority is an attempt to whitewash or close the matter. What is contained in Section 8B is a universal principle of law. It is not peculiar to the Commissions of Inquiry Act. It is not unique to Indian jurisprudence. No man shall be condemned before he is heard. Do we agree on that? Did Volcker... (*Interruptions*)...

SHRI ARUN JAITLEY: Then, why did you not give Justice Pathak that power?

SHRI P. CHIDAMBARAM: I will answer. I told you I will answer that Arun. I said I will answer that when I come to Justice Pathak. I am now taking a point to illustrate the flaw in Volcker at this stage. We all agree that no man should be condemned before he is heard. Did the Volcker Committee give notice to Mr. Natwar Singh? The answer is no. Did the Committee give notice to the Congress Party? The answer is no. Mr. Volcker's Committee itself says, we gave notice only to the contracting parties, and the contracting parties in the oil cases were 139, and the footnote says, by inadvertence, we did not give notice to 12 of them. So, what is this report which can be acted upon immediately, which reaches a conclusion, maybe, a right conclusion, may be, a wrong conclusion, without giving notice to the persons who it proposes to name? That is why we say, this report deserves that much respect, but it is not a document which can be acted upon immediately. Sir, let us not set too much store by this report. I am not rubbishing it. If we had been rubbishing it, we would not have done all that we have done in the last 20 days, and we have not taken 200 days to do it. We have not taken 4 years to forestall an inquiry. We have acted in the space of 20 days, and I will tell you where it is presently. Let us try to understand what this OFFP was, Oil for Food Programme? Mr. Jaitley did bring out most of the facts. But I think, he left out some other facts. No motives should be attributed. How has it worked this way? Iraq was allowed to sell oil under the UN-supervised programme. The price of oil was fixed by a UN Committee or a Un-Appointed Committee. Iraq was allowed to choose the purchaser. As Mr. Sibal said, for four years, this programme ran, as it should have run. In September 2000, the Iraq Government decided that it needed money, it needed money for milk, it

needed money for pharmaceuticals, it needed money for wheat, it needed money for books, it needed money for children and its people. So, they decided that here is a market where the price of oil is higher than the UN-fixed price. Can we make a little more money in the market, yet give to the UN the UN-fixed price? Therefore, are we trading in the market? It is not for us to stand up here and say whether that is right or wrong. That was a decision of the Government of Iraq. When they found that the market was willing to take Iraqi oil for a higher price, they chose the contracting party, and in the two cases before us, it was Masefield, the contracting party was Masefield. Up to that, Mr. Jaitely is right. But what does Masefield do? Masefield is a trader, like in many other cases, the contracting party was a trader. In this case, to the best of what we can gather from the report, I am not going beyond the report, Masefield appears to have sold it to Vittol which was an oil company. Vittol paid the market price. Masefield paid to the UN the UN-quoted price. There was a difference. That difference, the whole or part—I do not know yet—went into Iraq-controlled Jordanian Bank account. This is what happened. The question is, Masefield made its profit by selling it to Vittol. The UN got its price because the UN got its fixed price. The difference, the whole or part, went into a Jordanian account. If the whole had gone into a Jordanian account, there is nothing more in this case. If a part of the difference went into a Jordanian account, the question arises, where did the remainder go? Mr. Jaitely was wrong when he talked about the illegality attached to the surcharge. The surcharge part was not the illegal part. Let us look at the facts in this case. The facts, in this case, will show that in the case of contract M9/54, the Iraqi Government levied a surcharge of 4,98,973 dollars and Masefield paid, more or less, the same amount, that is, 4,98,518 dollars. There is no illegality attached to that. That is a payment which went to the Iraqi-controlled Jordanian account. In the other case, the Saddam administration levied a surcharge of 2,50,224 dollars and Masefield paid 2,50,022 dollars. That is all what the Volcker Committee says. It says that a surcharge was levied by the Saddam administration and the contracting party paid that surcharge. The Volcker Committee does not say anything about any other amount. This surcharge, as we can find from Table-5, was indeed paid by two named entities called Hamdan and Andaleeb. Masefield caused or routed the payment through Hamdan and Andaleeb. Therefore, there is a fair presumption. If the names of Hamdan and Andaleeb rightly occurred there, no notice appears to have been given to Hamdan. We don't know

about it. No notice appears to have been given to Andaleeb. We don't know about it yet. They may have done it gratuitously. That is difficult to believe. They may have done for another payment. But that is not there in the Volcker Committee Report. I hope I am making myself clear. What is levied as a surcharge was indeed paid. The question is: Was there anything more than a surcharge? Did it go into anyone's pocket? Where is that money? How much is it? Who paid whom? Who got what? Where did it go? These are questions to which the Volcker Committee has no answers. Why? Because the Volcker Committee was not interested in those questions. The Volcker Committee was only interested in finding out whether the Saddam Government got a surcharge and the Volcker-Committee found that the Saddam Government got a surcharge. But there are, at least, many Members, including some from that side, who will stand up and say that the Saddam Government was entitled to get a surcharge. Who are we to judge the Saddam Government? Their children were starving. Their people were dying. They levied a surcharge. They got a surcharge. They might be right or wrong. Who are we to judge that? What we are concerned with is that if anyone got any amount other than the surcharge. Now, I ask myself, most respectfully, a question. Is there anything in the 600 odd pages which shows that the Volcker Committee looked into any amount other than the surcharge or who paid that, who received that, where did it go and where did it end now. My respectful answer is that there is nothing in the Volcker Committee Report because the Volcker Committee was not concerned with that part at all. We are concerned with that part and because we are concerned with that part, whether that part, if established, and all other available facts are established, will link any of the non-contractual beneficiaries; we have to investigate that matter. But I can't say anything more than what I have said why we are having an investigation.

Now, Mr. Sibal raised many questions. If you presume that the Congress Party received money, if you presume that Mr. Natawar Singh received money, if you presume that one might have got a voucher, if that is the starting point of the debate, the debate is over. That should be the finishing line of the debate. You must start with facts. All my lawyer friends in this House know that we need facts or evidence and then reasoning to reach a conclusion. The famous Supreme Court Judgement says that reasoning is what links facts to a conclusion. The Volcker Committee Report contains

conclusions. The Volcker Committee may have or may not have reference to facts. We don't know them. But we must have those facts before we can reason logically whether those facts, those evidence, those documents lead to the conclusions of the Volcker Committee. Since we don't have those facts, since we don't have that evidence, since we don't have those documents, since they are not listed in the Volcker Committee Report, since there is no annexure of exhibits, since there is no annexure of oral evidence taken, we are now engaged in finding out what the primary evidence is, which, on a process of reasoning, will lead to the conclusion. When we talk about primary evidence and secondary evidence; we are not talking legal gobbledegook. We are talking common sense. The primary evidence is the document. Primary evidence is somebody's oral evidence: that I have seen this; I have heard this; I was present there. We do not have that evidence so far.

Now Sir, the history of these barrels and numbers is very interesting history. It is not as though it suddenly came up only in the Volcker Committee report. In fact, as early as 25th January, 2004, *AIMada* published the list. I think Shri Sitaram Yechury referred to that. On 29th January, 2004, *MEMRI*, which Mr. Sibal had cited, published what it thought or which it gathered, as a list. Now the names mentioned in those lists are different. The quantities mentioned in those lists are different. In one list, the quantity mentioned is one million barrels. In another list the quantity mentioned is 5.5 million barrels. In another list, the quantity mentioned is 4 million barrels. Then Volcker mentions 1.936 million and 1.1000 million. Which is correct and which is wrong? In the meanwhile, it appears that the Indian Ambassador did write a letter to the Government of India on the 28th January, 2004. The evidence shows that the letter was in the knowledge of, at least, the Foreign Secretary. The letter was also in the knowledge of the then Principal Secretary to the Prime Minister. I cannot say anything beyond that. If a letter of January, 2004 was in the knowledge of the Foreign Secretary and also in the knowledge of the Principal Secretary to the Prime Minister, what prevented the Government from taking action on that letter? Therefore, even the then Government appears to have

SHRI YASHWANT SINHA: Mr. Minister, would you yield for a minute?

Sir, the question of the letter has been raised in this House.

SHRI P. CHIDAMBARAM: Somebody raised it.

SHRI YASHWANT SINHA: Somebody else raising it is one matter.

SHRI P. CHIDAMBARAM: You said, "FM will clarify it".

SHRI YASHWANT SINHA: Just a minute. Sir, as a Minister of the Government, who is replying to the debate on this very important issue, his raising this matter is something very serious. *{Interruptions}*.

SHRI P. CHIDAMBARAM: Sir, I am sorry to say that...*(Interruptions)*.

SHRI YASHWANT SINHA: Sir, he has referred to the letter.

SHRI P. CHIDAMBARAM: Sir, the record will show that when this issue was raised by a Member of the RJD, I was out of the House for a few minutes. Mr. Yashwant Sinha said, "He has no access to official records now. It is for the Government of the day to say whether any such letter was received and indicate what action, if any, was taken." This is what the record will show. Therefore I am responding.

SHRI YASHWANT SINHA: Therefore, I am making this point that a letter was received. Now a Minister of the Government who has access to the record, is making an assertion in this House that such a letter, indeed, was received by the Foreign Secretary. He is also making an assertion that the Principal Secretary to the Prime Minister, at that point of time, who is not present in this House, was privy to the letter. Therefore, it is incumbent on the hon. Minister to place a copy of the letter on the Table of the House. He must place a copy of the letter on the Table of the House. He cannot refer to a document without placing it on the Table of the House. • He has access to the document. Why is he referring to it tangentially? *{Interruptions}*. Sir, I will tell you as to what has happened. What has happened is that there has been a selective leakage of that letter to certain people and this is a deliberate ploy and very unfortunate tactics which this Government has adopted. *...(Interruptions)...* It is a selective leakage of that letter. Why don't you come clean? Place it on the Table of the House. This is my demand.

SHRI KAPIL SIBAL: Sir, the existence of that letter cannot be a deliberate ploy. Either the letter exists or it does not exist.

SHRI SITARAM YECHURY: Sir, here is a copy of that letter. *(Interruptions)*.

[29 November, 2005]

RAJYA SABHA

SHRI YASHWANT SINHA: Sir, this a selective leakage. How has he got access to that letter? How has the Minister not got ...*(Interruptions)*.

SHRI SITARAM YECHURY: Sir, I have taken a fax mail from the *Navbharat Times*. It was printed in the *Navbharat Times*.

SHRI YASHWANT SINHA: So, somebody has made it available to the *Navbharat Times*. How did the media get access to the Government document?...*(Interruptions)*...Sir, the point I am making is...*(Interruptions)*.

SHRI KAPIL SIBAL: Our concern is that you also had an access...

SHRI YASHWANT SINHA: Now, this House cannot be taken into confidence with regard to the documents, thousand pages of that, which have been brought out by Mr. Virendra Dayal But, selectively, they will leak a portion of those documents and say, "We are clean." I demand, under the Rules, that that letter be laid on the Table of the House, and let the Minister kindly prove to this House that the then Principal Secretary to the Prime Minister was privy to this. And, what is this that they are saying? They are saying that there were reports in the Pakistani newspapers, in the Iraqi newspapers, which was under occupation, and they say that we did not act on it. And, is that the reason why you would not act on Volcker?

SHRI P. CHIDAMBARAM: Sir, I was being extremely fair, I thought, when I said that according to the records, it appears that the letter travelled at least up to the Foreign Secretary and at least up to the Principal Secretary to the Prime Minister. I was very careful to say that it did not travel beyond as far as I am able to find out. I was being extremely careful when I said that this had travelled up to the Foreign Secretary and up to the Principal Secretary to the Prime Minister. We have no difficulty; a copy of the letter which travelled up to the Foreign Secretary and which travelled up to the Principal Secretary to the Prime Minister will be handed over to the Chairman ...*(Interruptions)*...

SHRI DIPANKAR MUMHERJEE: Does it exist?

SHRI YASHWANT SINHA: How can I say when I had no access?

SHRI P. CHIDAMBARAM: Sir, I did not mention this in the other House yesterday. I was forced to mention this here because I was told, in the few minutes I was not here, that Mr. Yashwant Sinha said that I should respond to this statement made by the hon. Member from the RJD. If you had not

said that, I would not have responded. You invited this response, and I am giving you the response...

SHRI YASHWANT SINHA: Lay the letter on the Table of the House.

SHRI P. CHIDAMBARAM: I will; we will give the letter ...(*Interruptions*)...

SHRI DIPANKAR MUKHERJEE: It is not a question of access. It is the existence of the letter that he is questioning.

MR. CHAIRMAN: Now, you go ahead.

SHRI P. CHIDAMBARAM: So, we investigating, and I have told you why we are investigating the matter. All I can say is that in January, 2004, the Government of the day, at least at the official level—let me put it this way, at least at the official level, in January, 2004,—they did not take these allegations as deserving of an immediate inquiry. That is all I would say. Today we have got a report, and therefore, we are investigating it.

Now, Sir, Mr. Jaitley says, facts are established. I say, with all humility, that facts have to be established. Only conclusions are available; facts have not been established. Mr. Jaitley says that the Volcker Report is evidence. I say, "No, the Volcker Report is a Report containing conclusions. We must first seek the evidence and then ask ourselves whether the evidence supports the conclusions." Mr. Jaitley says—and he has shifted from yesterday's position—yesterday, the entire burden of the agreement was based on this question: "Why did we not appoint a Commission of Inquiry? Why did we appoint an Inquiry Authority? Why did we not appoint a Commission of Inquiry under Section 3 of the Act and why did we appoint an Inquiry Authority under Section 11 of the Act? After I answered, the Leader of the Opposition said,—that is there on the record; I am quoting it, it is there in the newspapers—"If you had told us all these before, it would not have been necessary for us to bring this Motion." Sir, it is my misfortune that I had convinced the first generation of BJP leaders; I have to now convince the second generation of BJP leaders. Today, the only issue is, since we have made it so clear, there is no difference in law between a Commission of Inquiry under Section 3 and an Inquiry Authority under Section 11, empowered under the second part of Section 11, because under the third part of Section 11, "It shall be deemed to be a Commission of Inquiry appointed under Section 3 of the Act."

Now, the entire focus has shifted. And Mr. Jaitley says, "We reject both. We reject the Commission of Inquiry under Section 3. We reject an

Inquiry Authority under Section 11. Go ahead and file an FIR". So, that is a vast improvement from the case that was argued yesterday, the case that is being argued today. Congratulations on BJP's movement forward! ...*(Interruptions)*...

SHRI ARUN JAITLEY: That has been our case from day one. ...*(Interruptions)*... I said that was an eye-wash.... *(Interruptions)*. ..That has been our case from day one.

SHRI P. CHIDAMBARAM: Not yesterday. Go through the records. Not yesterday. I was present right through. Not yesterday.

Now, Sir, "File an FIR!". I would refer to Shri Jethmalani— and how can one not refer to Mr. Jethmalani- and he told us in what circumstances an FIR could be filed. We all know that under Section 154, you can file an information report, if there is reasonable suspicion of a cognisable offence, or, a non-cognisable offence having been committed. So, first, there must be an offence that may have been committed, and a reasonable suspicion of an offence that has been committed. An offence, as defined under Section 2, is, "An act or omission made punishable by any law". That is why Mr. Sibal asked a very simple question, "Please tell me which law, which offence, and we will look into it." Mr. Volcker does not say that any law has been violated. Mr. Volcker does not say that any offence has been committed. I cannot take the Volcker Report, rush to a Police Station and say, "File an FIR". Mr. Volcker has not told us which law and which offence. We have to now establish, at least, *prima facie*, which law is attracted, what is the act, what is the omission which is punishable under that law. Once that is established: then, Sir, on behalf of the Government, let me make this statement that if an Inquiry Authority finds that a law has been violated, which is punishable, indeed an FIR will be filed and every other action will be taken against those people. Let there be no doubt on that, score. We have no hesitation in saying that, if in the course of an investigation, either by the investigating authority, namely, the Enforcement Directorate for the present, or, the Inquiry Authority headed by former Chief Justice Pathak, it is found that any person of any entity has committed an act or an omission punishable under an Indian law, indeed, Sir, an FIR will be filed.

Sir, Mr. Jaitley says, "File an FIR and issue a Letter Rogatory to Switzerland". This is *deja vu*; he is trying to relive his Bofors' past. For

what can a Letter Rogatory be filed? If I go to CBI, the CBI cannot issue a Letter Rogatory. CBI still has to go to a court of Law to get a Letter Rogatory issued. So can the Enforcement Directorate. So can the Enforcement Directorate, if it finds in the course of an investigation that an offence has been committed. The Enforcement Directorate can pass on that information to an appropriate Police authority to seek a Letter Rogatory. So can Chief Justice Pathak; he can recommend to the Government to apply to a court to seek a Letter Rogatory. ...*(Interruptions)*...

MR. CHAIRMAN: Please take your seats. ...*(Interruptions)*... Please take your seats. Nothing will go on record. ...*(Interruptions)*... Please take your seats. ...*(Interruptions)*... Let him finish his speech. ...*(Interruptions)*... Please take your seats.

SHRI P. CHIDAMBARAM: No. I am not yielding, Sir. I have clearly said that the Enforcement Directorate or Chief Justice Pathak can recommend, or, can direct the Government, or, can ask the Government, "Here is what we have found. It appears to be an offence under the law. Please, now, go through the appropriate Police authority and seek a Letter Rogatory." That is precisely what I said. The records can be checked.

Therefore, giving it to CBI, and not giving it to the Enforcement Director, does not mean that automatically a Letter Rogatory will follow. He will have to investigate the matter. And that is precisely what we are doing. And, that is precisely what we are doing. We are investigating that matter. Sir, let me conclude very quickly. No other country has made efforts to gather the evidence as promptly as we have done, and no other country has succeeded in obtaining material documents and evidence running into hundreds of pages in such a short space of time as we have done. In fact, when we appointed Special Envoy Dayal and said that we would depute him to the United Nations, I remember some very caustic comments were made by some members of the political establishment, which said that what can Mr. Dayal do? What can Mr. Dayal do which Mr. Nirupam Sen cannot do? Who will give Mr. Dayal papers? In fact, we surprised everybody by bringing back material papers in ten days. It showed that the course that we have taken is the right course. Sir, I ask myself, is there any other instance in this country of an inquiry where material documents have been gathered in a space of ten days? Mr. Dayal's appointment or the mandate to him was issued to him in writing on 7th of November. He left for the United Nations on 17th of November. He came

back here on the 24th of November with documents. He was accompanied by the Enforcement Directorate. I ask again, is there any other country which has named so high a person as a former Chief Justice of India and a former judge of the International Court of Justice to hold an inquiry? Is there any other country, and can you find any other example where an investigating authority has in a space of about two weeks interrogated a number of persons, searched a number of premises and is proceeding with an inquiry at a fast pace? We have a three-pronged approach. One, through Special Envoy Dayal, gathered the material. Secondly, under the terms of reference, and there are terms of reference, it was gazetted in the Gazette of India on the 11th of November. The terms of reference requires Justice Pathak to examine that very material documents, and the third prong is, the Enforcement Directorate is trying to find out whether there is a violation of the Foreign Exchange Management Act, which is the law which is *prima facie* attracted at this stage. This three-pronged approach may lead us to other laws. It may lead us to the Foreign Contribution Regulation Act violation, it may lead us to the Indian Penal Code violation; it may lead us to the Prevention of Corruption Act violation.

Let me tell you, Sir, on behalf of the Government we are not going to hold back. Whichever violation appears in the course of investigation, we will pursue that to its logical end, and take action against anyone who may have committed any act of omission which is punishable under Indian law. Let there be no doubt about that. I assure the House that this investigation will go to its logical end.'

Sir, the last question is really a question for the Prime Minister to answer. Why is Mr. Natwar Singh a Minister without portfolio? Our position from the day one has been, these are unverified references. Mr. Sibal has read out portions of various documents which show there was no cross-examination; no document was tested by Volcker. I won't go into all that. Let me simply point out a few things. A learned article on the entire Volcker Committee. "There are also major concerns over the Volcker Committee's lack of transparency. The UN-appointed investigation has operated in astonishing secrecy with virtually no outside scrutiny for an inquiry designed to unearth hidden corruption and malpractice on a huge scale. It is strikingly opaque. Such is the level of its secrecy that its website does not even contain a mailing address." Now, two senior investigators of the Volcker Committee resigned questioning the credibility of the Volcker Committee. We have got the names of those investigators who resigned.

Therefore, we have to approach this with a great caution, and that is precisely what we are doing. These are unverified references. As of today, they are unverified. They are being verified with reference to the documents we have obtained. Until the unverified references become verified references, substantive references, or, *prima facie* proven references, you cannot condemn a person or an entity. We are in the process of verifying and substantiating these references. Only one person can pronounce on that, and that is the Chief Justice Pathak.

The last question is why was Chief Justice Pathak not given section 8(B) powers? Please look at section 8(B). Section 8 is the original section of the Act. That gave a Commission of Inquiry either under section (3) or under section (11) read with section (8) powers to frame its own procedure. Section 8(B) is a latter day introduction which, in fact, does not give the full flexibility to a Commission of Inquiry; it restricts the Commission of Inquiry. In fact, to call section 8(B) a power is a misnomer. Section 8(B) is a restriction on the power of a Commission of Inquiry under section 8. Section 8 is the power, section 8(B), by an amendment, is a restriction on that power, the manner in which the power should be exercised. Section 8(B) does no more. It simply introduces in the statute, a well-accepted principle of natural justice.

When I asked Justice Pathak, "Do you want to be appointed under section 3, or do you want to be under section 11?" He said "I want to be appointed under section." My learned friend will immediately understand the difference between an advisarial inquiry and an inquisitorial inquiry. So, Chief Justice Pathak said, "Appoint me under section 11, and give me the following powers." So, we gave him all the powers. He did not want section 8(B), and, on the contrary, he wanted a categorical statement in the terms of reference that he will be free to frame his own rules of procedure including places of sitting. So, we have given him exactly that.

Let Mr. Jaitley meet Mr. Pathak, and if Chief Justice Pathak tells me tomorrow, "Give me powers under section 8(B)." We will gladly give him powers under section 8(B). You know him as well as I do. Therefore, section 8(B) is not a power. Section 8(B) is a restriction on the power. And to even suggest that Chief Justice Pathak will not follow the principles of nature justice does no justice to the Chief Justice of India.

I am sure, Chief Justice Pathak knows what the law is, knows what procedures to follow and he will follow a fair procedure. Once Chief Justice Pathak pronounces on the material evidence that there is an act of omission punishable under Indian law, the law will take its own course and we will punish that person or entity.

At the moment, Sir, we are on the right course; our course has brought us so far; in a matter of 20 days of this inquiry. This investigation has proceeded further than any other investigation in living memory. Therefore, Sir, I submit that there is no occasion for this Motion; this Motion should be rejected and we should be allowed to proceed with an inquiry which the Government and the Prime Minister have decided as the right course to follow.

SHRI ARUN JAITLEY: Mr. Chairman, Sir, we have had a day-long debate on the Motion which you were pleased enough to permit me to move before this House. And for and against the Motion, a very large number of hon. Members of this House had an opportunity to express their views. We also had the benefit of listening to some of the eminent speakers from the Government. Both are very distinguished parliamentarians, very distinguished lawyers, and, indeed, these are the people for whom I have great regard. Let me, at the end of this debate say, during the last one month, I started by having a lurking suspicion that this Government was neither honest nor *bona fide* in its endeavour to unearth the truth. The political manner in which comments were being made, the cover up, through these inquiries by incomplete and erroneous procedure, which has been suggested and even justified today, certainly did lead this lurking suspicion to become a disappointment. I would have expected an honourable and honest Government which was truly *bona fide* in the matters of trying to investigate the truth to really stand up and say, "There is a preliminary material which has come by way of the Volcker Committee Report. This material indeed in very disturbing. I expected, at least, the Members of the Congress Party to use the phrases, which their own President used only a few days ago. Today when we find that when they are in the Government, the element of concern that they should have with regard to the disclosures made in the Volcker Report is completely missing. I find my two very eminent friends, - though they said, 'we are not trying to rubbish the report' - but there has been a conscious effort not to say that 'we will treat this as a preliminary material with serious concern and then put the investigation

on the right track to find the truth.' But the entire effort has been, 'let us try and pick holes in the report and if possible rubbish the report. If I succeed in rubbing the report, the allegation against the Government, that you are not being honest in the matter of investigation, it still will fall apart. My friend, Mr. Sibal said, 'well a testimony was given and on the basis of that testimony at best what has been expressed is an opinion of Mr. Volcker. It is an opinion which is not based on any material. I think, it would have been more reasonable to say, what Mr. Chidambaram indeed did, that these findings could be on the basis of certain material, a material which Mr. Virendra Dayal and Director of Enforcement have gone to Mr. Volcker and said 'please give it to us', but to say that this is nothing more than a private opinion is not correct. What does the report itself say at page 534 'Source of Evidence' and I am quoting from that. It says, 'as discussed at length in the report on programme manipulation, the Committee's findings as they relate to the imposition and collection of illegal kickbacks, these are based on collections and analysis of an extensive body of evidence. Much of the evidence comes from contemporaneous documents and data provided by various Iraqi contracting Ministries, including financial ledgers, internal correspondence and data based on records. The other evidence is in the form of bank records and deposits as well as information provided by suppliers that participated in the transactions, their agents and companies.' Now to say that this entire evidence is hearsay evidence which somebody went and orally deposed before that Committee ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: Nobody has said that ...*(Interruptions)*...

SHRI ARUN JAITLEY: Therefore it is merely an opinion ...*(Interruptions)*... Well, if you did not say and that now you realise either you should not have said that or you have not said that, then it is certainly much more than ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: I want that very evidence now. ... *(Interruptions)*... We need to get those very documents.... *(Interruptions)*...

SHRI ARUN JAITLEY: To say that it is merely an opinion, Sir, what are the other arguments those are being raised in order to rubbish it. An article has been written somewhere criticising the Report. In a free media world, people may criticise, people may comment on the authenticity of the Report, but this House in its discussion and the Government in its attitude

is certainly not going to be influenced by this. You are very concerned with the fact that no notice was given to the Congress Party or Mr. Natwar Singh. Volcker has specified the procedure to the contracting parties to whom notices were given. What is the stage at which we are today? We are not at a stage where some chargesheet has been filled and trial is being conducted against Mr. Natwar Singh and the Congress Party. We are at a stage where in this country not even on the basis of the material and information available, a First Information Report is being lodged. We are at a stage where we have to decide and the Government has to decide whether there is a reason to believe or to suspect that a commission of an offence has taken place on the basis of this material. And the Government says, 'I won't register and FIR'. Let me tell my friend Mr. Chidambaram that the core issue in relation to the dispute whether you legally follow the correct course or not, I have no doubt about the eminence and fairness of Justice Pathak. You do not require a Judge of the International Court of Justice at Hague... You don't require a former Chief Justice to merely start investigating the affairs of Hamdan company. You require a Committee, an agency or a body which has the legal jurisdiction to start investigating who were the recipients, if at all, of these illegal payments. Let me Sir, just remind my learned friends as to what is the material with which Mr. Chidambaram tried to present, which is available on the basis of these documents. You have a reference where there are contracting parties which have benefited from the contract and you have a material where non-contracting parties are mentioned on these coupons. You have the name of a company which has traded in oil which it was entitled to pick up. It has passed it on as a commercial transaction to another company. So the oil has been picked up. You have evidence and there is material in this report, we need not pronounce it, that the levy of surcharge was illegal. But you have material to say that on both the contracts where a non-contracting party was the Congress Party or Mr. Natwar Singh, illegal surcharges have been levied. You have further material in terms of even bank account details, that exactly the same amount of illegal surcharge levied and paid has been paid by Masfield, as Mr. Chidambaram rightly says through the instrumentality of Masfield, and Mr. Sehgal. You have now evidence which is appearing, and, I am sure, the Enforcement Directorate which is under his Department has further cross-checked the reports and there are some answers which I expected, at least, four of my friends from the Congress Party spoke. Some of you owed an explanation

to the country. How did this business delegation accompany your political delegation? How are these people meeting Oil Ministry officials? This is further evidence available if your Government tries to honestly investigate. These are confessions which these people have made in the world of television, on television itself. Why have they repeatedly gone again to Baghdad? The crux of the issue, as I mentioned was, nearly two-fold investigations which are required, that moneys passed on from Masfield to Sehgal and Hamdan for repayment back to Jordan. This could not have happened without their being an underlying transaction. It is nobody's case that I must jump to a presumption today itself. This calls for an investigation and a valid investigation in law. It must only be such an investigation which has the legal capability of unearthing those documents and reaching at the truth. Between Masfield and Hamdan the two questions which need to be answered is: what happened, if at all, in terms of passing commercial benefits either to the two named non-contracting beneficiaries or to some front companies on their behalf. Has this taken place? The second question, which would arise, is the evidence of these non-contracting beneficiaries. Did they receive any acknowledgement or the coupons itself which they were further entitled to trade for the reasons of profit? These are the two key areas. Now, you may speak in terms of the eminence of Justice Pathak. You may speak of the ability of the Enforcement Directorate. Let me now just deal with both. Mr. Chidambaram says, why have we given the inquiry only to the Enforcement Directorate? The Enforcement Directorate itself can issue a letter rogatory.

SHRI P. CHIDAMBARAM: It can approach a court if it feels.

SHRI ARUN JAITLEY: I think, Mr. Chidambaram did mention that when we speak in terms of letter rogatories, the ghost of Bofors comes back. But then it comes back on various sides. If you recollect, till December 1989, your Government was in power. And, till 1989 December, your Government did not care to have an FIR registered. You did send some letters of request. But, every time you send the letter of request the Swiss Government came back with a reply, "We have a treaty..." - and the treaty which was entered into prior to that - "...and the treaty required the following conditions. The treaty required the principles of dual criminality. There must be an offence which is an offence in both the jurisdictions. The treaty requires a case under investigation and a proper *letter rogatory*." If

Mr. Chidambaram's memory does not fail, in October, 1989, you wanted a letter of request to be sent precisely for currency and tax violations ...*(Interruptions)*... You wanted a letter of request to be sent in relation to currency and tax violation laws! the Swiss Government precisely said 'No.' And that is why in the morning I said that unless you go on the correct legal course and ask the right questions, you are going to draw a blank as indeed you did till December, 1989.

SHRI KAPIL SIBAL: That is why finally you drew a blank on Bofors..
..*(Interruptions)*...

SHRI ARUN JAITLEY: We can discuss that separately ...*(Interruptions)*...

SHRI KAPIL SIBAL: That is why you drew a blank.

SHRI ARUN JAITLEY: I will deal with your approach separately...*(Interruptions)*... The FEMA, which is the only case they are investigating, has no powers of *letter rogatory* in the Act itself. Mr. Chidambaram now wants us to accept that under FEMA a request will be sent to some other agency which will then move the court for *letter rogatory*. Sir, FEMA, as Mr. Sibal rightly said, speaks in terms of adjudications, penalties and does not speak about other penal offences. The language of Section 166, besides the Indo-Swiss Treaty, requires dual criminality. The FEMA does not fall under dual criminality. It requires, under Section 166A, a case under investigation. Unless a case is under investigation i.e. FIR has been lodged, *letter rogatory* cannot be issued under Section 166A. Who will issue *letter rogatory*? The court on an application made by an investigating officer ...*(Interruptions)*... You are doing exactly the opposite. Sir, you cannot camouflage this cover up exercise..*(Interruptions)*...

SHRI KAPIL SIBAL: Even now you give us a piece of evidence. We will do it...*(Interruptions)*...

SHRI ARUN JAITLEY: Therefore, the FEMA investigating officer, the moment, he goes to a special judge, no Indian court, without a case under investigation, without an FIR or without power under the Act, is going to allow him to issue *letter rogatory*. Under FEMA there is no power. And, I think, the proof of the pudding will be in eating where a few months from now if they try and issue *letter rogatory* under FEMA using Section 166A and some other investigating officer, it will be a procedure completely

unknown to law. It will be a procedure completely unknown to law. And, therefore, in the absence of that power, you want us now to believe that Justice Pathak has the Power. But, he will request any investigating agency which is not investigating the case, to go to special judge. You reasonably expect the special judge...

SHRI P. CHIDAMBARAM: It is very unfair to Justice Pathak. Please read the Terms of Reference. Please read the last Term of Reference. Justice pathak can make any recommendation or suggestion to the Government of India recommendation or suggestion to the Government of India following his findings in the earlier Terms of Reference. I think, you are unnecessarily and unwittingly raising this and it is unfair to the Chief Justice of India.

SHRI ARUN JAITLEY: I don't think the personality of a former Chief Justice of India is the question in issue. The question in issue is: Is Justice Pathak, in his capacity as a Section 11 Committee or even as a Section 3 Commission entitled to issue *letter rogatory*? The answer is big 'No'...(Interruptions)...

SHRI P. CHIDAMBARAM: Justice Pathak can recommend to the Government that in view of his findings the Government should file an FIR and apply for *letter rogatory*...(Interruptions)...

श्री सभापति : आप बैठिए, बैठिए । ... (व्यवधान)...

SHRI N. JOTHI: If he cannot do it now, when will he do it? After five years! (Interruptions)

SHRI ARUN JAITLEY: I, now, deal with Mr. Chidambaram's main argument. Chief Justice Pathak will ask some other investigating officer, not investigating the case, no FIR registered, no dual criminality principle, to ask Switzerland to give us information. The answer is going to be a clear 'no'. The answer is going to be a clear 'no'! This is exactly what the Government between 1987 and December 1989 had tried; and, this is exactly what this Government is trying to do now. Mr. Sibal, in the morning, wanted to put a question. I ask which are the cases that are made out. If a political party, *prima facie*, on the basis of this material is alleged to be an entity, receiving money....(Interruptions)

MR. CHAIRMAN: Please take your seat. ...(Interruptions). First go to your seat. ...(Interruptions)

7.00 P.M.

SHRI ARUN JAITLEY: Sir, this is precisely what a Government, which lacks *bona fide*...*(Interruptions)* I, as a Government...*(Interruptions)* Mr. Sibal...*(Interruptions)*

श्री सभापति : माननीय सदस्य को बोलने दीजिए । ...*(व्यवधान)*...

SHRI ARUN JAITLEY: Mr. Sibal's response is, I, as a Government, will make not make an honest effort to bring the evidence; you, as an Opposition, bring the evidence....*(Interruptions)* But that is the tactic what you...*(Interruptions)*. This is exactly what you have been doing. ...*(Interruptions)*... I am sorry, this is exactly what the Government has been saying. ...*(Interruptions)* In the morning, you said, "Mr. Jaitley, ...*(Interruptions)*

SHRI KAPIL SIBAL: Mr. Jaitley, it is not fair. You made an allegation saying that there is enough evidence. I ask you where the evidence is, ...*(Interruptions)*

SHRI N. JOTHI: Here it is. What more you want?...*(Interruptions)*

SHRI P. CHIDAMBARAM: Sir, either the evidence is there, or, we have to gather evidence. According to us, the evidence is not there in the Report. We have to gather the evidence. ...*(Interruptions)* Mr. Jaitley says that evidence is there. ...*(Interruptions)* We are gathering the evidence. ...*(Interruptions)* If evidence is there, please tell us which is the evidence. ...*(Interruptions)*

SHRI ARUN JAITLEY: Sir, Mr. Chidambaram will realise that, in this game, non of us was born yesterday. So, we know what the truth is. The truth really would be that there is one set of material on which Mr. Volcker has made his recommendations. That set of material, on the basis of which Volcker makes his recommendations, may be possible through diplomatic channel, through Mr. Virendra Dayal or otherwise, to request the United Nations to give us the documents. Perhaps, some of those documents we have brought. That is one set of documents. But that document would only sustain what is mentioned in the Report. The next step, which you don't want to honestly investigate, is when Masfield or vitol did the oil transaction-you were right in your analysis when you said some part of the money whent back to Jordan to go back to Iraq-what

happened to the balance money? This is where the core of the conflict lies. In order to investigate what happened to the balance money, you must unveil the secrecy of the Swiss banking laws. To unveil the secrecy of Swiss banking laws, you must have a case under investigation; you must have letter rogatory. Their argument is, unless they get the material, they will not lodge an FIR, they will not send a letter rogatory. The entire bone of contention, now is...*(Interruptions)*. You will get the Volcker documents, I have no doubt. But the second limb of the argument is, where did the money go from Masfield? Who all shared the money? What did the non-contracting beneficiaries get? Now, in order to investigate Volcker is not going to help you. To unveil the Swiss banking secrecy laws, which is really required, you must go through the legally correct methodology. You can't grope in the dark. You can't follow legally flawed methodology, and then, say you have not been able to get answer. The answer for which is that you must register an FIR, you must send a letter rogatory. And, your argument is that you will register an FIR and send a letter rogatory, till you first get an evidence. You will not get any evidence unless you go by the correct methodology. ...*(Interruptions)*. Sir, I said in the opening that what is the tactic the Government is following. Their first tactic is, rubbish the report. And I am sorry to say that my two distinguished friends and senior Ministers in this Government, instead of being responsible spokesman of a responsible Government to say "this is preliminary material, we will honestly try to investigate the rest," the principle exercise they have done today is, let me rubbish whatever evidence is on record. It is a case, we least expected the Government's spokesmen to act as defence lawyers for the non-contracting beneficiaries. And that is what we have found spokesmen of this Government to.

Sir, Mr. Sibal should be content with the fact that I am not an enthusiastic prosecutor; I have no intention of being one, nor I am on a slippery wicket on which the prosecutor is likely to slip. But please remember, your party has a glorious history. Your party has a glorious history; don't create a situation where when historians rewrite your party's history, instead of referring to the Gandhian era and the Nehruvian era, they start referring to your party with the history chapters of the Mitrokhin era, the Volcker era, the Martin Alberto era, and the Quotrochi era. If this is the route that you chose to follow ...*(Interruptions)*. If this is the route you chose to follow, the alternate history of your party...*(Interruptions)*...the alternate history of your party will be written with these....*(Interruptions)*...

श्री सभापति : चलिए बैठिए ...(व्यवधान)... जल्दी कीजिए । ...(व्यवधान)...

SHRI ANAND SHARMA: Did you register the case against your Party President? ...*(Interruptions)*.. You have double standards...*(Interruptions)*

श्री राजू परमार : आप इस इश्यु पर बात कर रहे हैं ...(व्यवधान)... आपने देखा है ...(व्यवधान)...

श्री सभापति : बैठिए, बैठिए.....ठीक है, ठीक है, बैठ जाइए, बहुत हो गया Let him finish ...*(Interruptions)*... Let him finish ...*(Interruptions)* आप बैठ जाइए ...(व्यवधान)... बैठिए...(व्यवधान)... चलिए बैठिए ...(व्यवधान)...

SHRI KAPIL SIBAL: At least the Bangaru era is over, the Modi era is going to be over, the Advani era would over in December,... *(Interruptions)*... The Advani era will be over in December and let us hope there is an Arun Jaitley era to come... *(Interruptions)*... Of course, Ms. Uma Bharati era is also over...*(Interruptions)*...

MR. CHAIRMAN: Leave the subject for the historians...*(Interruptions)*... बोलिए ...*(व्यवधान)*...

SHRI ARUN JAITLEY: Sir, as I said in the morning, don't think we are on a slippery ground. I said in the morning,...*(Interruptions)*...I said in the morning that you are dealing with something very greasy. But, also remember, it is not only greasy or oily; it is also highly inflammable. If it is highly inflammable, then, it is going to lead to a situation where your party and its image is going to burn its own fingers. It is going to burn your own image. Therefore, If you want to...*(Interruptions)*...If you want to. ...*(Interruptions)*...

SHRI KAPIL SIBAL: Don't look at the Press, let us talk about the Volcker Report... *(Interruptions)*

श्री रुद्रनारायण पाणि : तुम्हारी पार्टी का ...(व्यवधान)...

श्री राजू परमार : अपनी पार्टी की बात कीजिए ...(व्यवधान)...

SHRI ARUN JAITLEY: If you want to save your party's image... *(Interruptions)* If you want to save your image... *(Interruptions)* don't deal with this inflammable material which is highly risky. Don't get into diversions. Mr. Ram Naik very honourably said, 'he went there' You find a great offence in the fact that he went there, and, therefore, he went to promote the business, you say, of Indian companies. But nobody has

said that Mr. Ram Naik was a non-contractual beneficiary of the coupon..
.(Interruptions)

SHRI KAPIL SIBAL: We will investigate that also...*(Interruptions)*

SHRI ARUN JAITLEY: A letter from the Ambassador came towards the end of January that *Al-Mada* has reported this. Sir, not only a letter came, I have an e-mail which a friend of mine sent to me on February 1, 2004. He brought in an article from 'The Independent' and said please read this, this may be of interest to you. This was something from 'The Independent' in England. Kindly see the argument. Even though the Foreign Secretary got it, the Principal Secretary got it, your Government did not act on a news report; so, we will not even act on a UN Committee Report... *(Interruptions)*. Is there any substance in an argument of this kind?... *.(Interruptions)*... Sir, I must confess,...*(Interruptions)*

SHRI KAPIL SIBAL: You need another half-an-hour...*(Interruptions)*

SHRI ANAND SHARMA: Sir, can Mr. Jaitley identify...*(Interruptions)*

MR. CHAIRMAN: He is finishing now...*(Interruptions)*...He is finishing now..*(Interruptions)*...Please take your seats...*(Interruptions)*... No, no...*(Interruptions)*... बैठिए ...*(व्यवधान)*... बैठ जाइए ...*(व्यवधान)*... Let him finish..*(Interruptions)*...

SHRI ANAND SHARMA: Sir, just one clarification...*(Interruptions)*

MR. CHAIRMAN: There is no need of clarification...*(Interruptions)*

SHRI ANAND SHARMA: Sir, it will help the debate...*(Interruptions)*... Will Mr. Arun Jaitley...*(Interruptions)*

MR. CHAIRMAN: Let him finish...*(Interruptions)*...Let him finish..*(Interruptions)*... बैठिए ...*(व्यवधान)*...

SHRI ANAND SHARMA: He is yielding, Sir...*(Interruptions)*...

MR. CHAIRMAN: बैठिए ...*(व्यवधान)*...

SHRI ANAND SHARMA: Will Mr. Jaitley please enlighten this House-since he has done so much of research-is there one country which has set up such an authority, any country which has acted on the Volcker Report, whether even the UN General Assembly has discussed over documents..
.(Interruptions)...

SHRI ARUN JAITLEY: Sir, I am not aware ...*(Interruptions)*...of any country where the ruling Party has been accused...*(Interruptions)*...And, instead of hanging its head in shame...*(Interruptions)*... it continues to hold it high...*(Interruptions)*...I am not aware...*(Interruptions)*...I am not aware of any country where its principal spokesman on the Foreign Policy, its Foreign Minister, was alleged to be named as a beneficiary, and he continues to be a Minister of the Union Cabinet... *(Interruptions)*

MR. CHAIRMAN: Please finish.

SHRI ARUN JAITLEY: Sir, just one or two small facts before I conclude. What I said with approach of the Government, we had a lurking suspicion, we had a sense of disappointment, and after their response, we have a deeper sense of disappointment. But, I am somewhat puzzled at the stand my friends in the Left Party have taken. I have no grievance with my friends in the Left Parties when they stand up and say that they stand for certain anti-imperialist thoughts, as far as the world situation is concerned. It is a legitimate political stand; they are entitled to take. They are entitled to attack the United States, the system within, the United Nations, the Volcker Committee, on basis of ideology which is very dear to them. My conflict with you today is not your stand on anti-imperialism, my conflict with you is that when anti-imperialist stance was converted by some into an office of profit, you did not stand upto oppose*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, it is not *correct*.*(Interruptions)*...

SHRI ARUN JAITLEY: When the Left Parties. ...*(Interruptions)*

SHRI NILOTPAL BASU: Sir, since he has directly referred to us, we are entitled to reply to him. We will stand on the question of fighting corruption provided he can produce some credible evidence which he has not. He is only talking about presumptions. ...*(Interruptions)*...

MR. CHAIRMAN. Okay, खत्म कीजिए ।

SHRI ARUN JAITLEY: Sir, the Left Parties always try to get a moral high ground on some issues where their anti-graft stand is concerned...*(Interruptions)*

MR. CHAIRMAN: खत्म कीजिए..... *(Interruptions)*

SHRI NILOTPAL BASU: We had asked for the inquiry...*(Interruptions)*:Ours was the first Party to...*(Interruptions)*

SHRI ARUN JAITLEY: But today I find their desire to state their stand in terms of anti-imperialism, so, their anti-graft attitude is giving way...*(Interruptions)*.. This is going to seriously effect upon and . .*(Interruptions)* .

SHRI SITARAM YECHURY: Mr. Arun, just yield for a minute please.

SHRI ARUN JAITLEY: Let those eras of Volcker...*(Interruptions)*...

SHRI SITARAM YECHURY Please *(Interruptions)* Unfortunately, Mr. Chairman, Sir, for a major part of my intervention, Mr Jaitley was not inside the House. I don't know if he was listening to it outside If you were here, you will please recollect that of all the political parties in this country, it was the CPI(M) which was the first to ask for an inquiry into this issue....*(Interruptions)*. And, please remember this, not even you, not even the BJP, it was the CPI(M) So, don't confuse the issue here. Set the record straight. .*(Interruptions)*...

SHRI ARUN JAITLEY Sir, I would have...*(Interruptions)*. I would have ...*(Interruptions)*...

MR. CHAIRMAN: Mr. Jaitley, please now conclude...*(Interruptions)*...

SHRI ARUN JAITLEY: Sir, I would have...*(Interruptions)*

SHRI DIPANKAR MUKHERJEE: It is not there in the Volcker's report.. .*(Interruptions)*....

SHRI NILOTPAL BASU: You are more American than the Americans, and you are saying that...*(Interruptions)*...when we are not anti-graft. ..*(Interruptions)*

MR. CHAIRMAN: Mr. Jaitley, now you should finish...*(Interruptions)*...

SHRI ARUN JAITLEY: Sir, let me just end with two sentences ...*(Interruptions)*...

MR, CHAIRMAN: You should conclude your speech now.

[29 November, 2005]

RAJYA SABHA

SHRI ARUN JAITLEY: Sir, let me just end with two sentences. My first sentence is, along with us, when on the same procedural problems, the Government tried a cover-up on 1989, the Left Parties along with us resigned *en masse* from the Lok Sabha. We are indeed disappointed with your anti-graph stand today.

Secondly, Sir, if the Government goes on a course on which it has taken today, I have not the least doubt, you allow a person *prima facie* named to continue in the Council of Ministers, you allow an incorrect course of investigation to go on, you go on a course where you are likely to get the "blank" as an answer, then, I am afraid, the standards of credibility, standards of probity in public life...(Interruptions)...in india are going to seriously suffer...(Interruptions)..I, therefore, urge this House to vote upon this Motion and accept this Motion. . (Interruptions). .

MR. CHAIRMAN: Now, the debate on this Motion is over. I shall now put the Motion moved by Shri Arun Jaitley to vote. The question is:

"That this House strongly condemns the alleged involvement of some Indian entities and individuals as non-contractual beneficiaries of the United Nations' Oil-for-Food-Programme in Iraq, as reported in the Report of the United Nations' Independent Inquiry Committee (Volcker Committee)."

The motion was negatived.

MESSAGE FROM LOK SABHA

The National Tax Tribunal Bill, 2005

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the National Tax Tribunal Bill, 2005, as passed by Lok Sabha at its sitting held on the 29th November, 2005."

Sir, I lay a copy of the Bill on the Table.

श्री सभापति : सदन की कार्यवाही कल प्रातः 11 बजे तक के लिए स्थगित की जाती है।

The House then adjourned at eighteen minutes past seven of the clock till eleven of the clock on Wednesday, the 30th November, 2005