

[Sh. Sharad Pawar]

Shri Chadha's pending petition before the High Court should not influence in any manner the ongoing investigation in the Geneva Cantonal Court; (b) even the High Court had not stayed the investigation; (c) despite the time that had passed and the political changes in India, the Govt of India's request that the Swiss authorities provide speedy assistance in the investigation remains unchanged (d) the Govt of India persist in their request to the Swiss authorities for speedy assistance in the Bofors case.

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

14.40 hrs.

DISCUSSION UNDER RULE 193

Bofors Gun Deal Investigation

[English]

MR. SPEAKER: Now we shall take up Discussion under Rule 193. Shri Amal Datta to speak.

SHRI AMAL DATTA (Diamond Harbour): Sir, unfortunately, the benefit of this particular statement which is read out just now in the House for 20 minutes by the Defence Minister has not been given to us. Number of dates have been reeled out, number of facts have been reeled out and the least that they could have done, not having given us any information so far, was that they could have given us this benefit of seeing an understanding what the Government of India has been up to in this regard.

We have all our doubts and because of these doubts, we have been mentioning in this House, raising our voice, as much as possible, under the rules and procedures of this House, which has not carried us very far. I must point out the fact that the Defence Minister has now been allowed to read out a statement in the House, is not within the rules of the House. An indulgence has been provided to him before the discussion could be begun by me, to read out a statement which relates to the very matter on which the discussion is going to be raised. This is a departure from the Rules and Procedures of the House. This could have been ameliorated by letting out the facts and letting us have a copy of the statement beforehand. I would now request the hon. Speaker to please ask the Defence Minister to lay on the Table of the House all the documents that he has mentioned and whose contents he has mentioned in his statement. That is under the Rules and he is obliged to do so. You may please ask him now so that we can take benefit when the matter comes up later.

MR. SPEAKER: Supposing the Defence Minister had not made the statement then you would have spoken without the statement.

SHRI AMAL DATTA: That is why I

said that if he has given the statement earlier, if he had not spoken in the House, then he would have avoided this consequence. This is an inevitable consequence of having short-circuiting that procedure and speaking in the House. Now we are entitled under the Rules to call upon him to lay all these documents on the Table of the House and he is obliged to do so. *(Interruptions)* He has quoted from each of these documents. This is what has been quoted from these documents. He has quoted from each and every document. *(Interruptions)*

MR. SPEAKER: Shri Amal Datta, you can take the statement; you can underline and say from which document he has quoted.

(Interruptions)

SHRI AMAL DATTA: He has been saying that C.B.I., in its letter dated 23rd March, requested them.....*(Interruptions)*

MR. SPEAKER: That is true. You know that under Rule 193, you initiate the discussion and he replies to it. He probably, thought that it would be helpful to you to discuss the matter and so he made a statement again and you are allowed to discuss it.

(Interruptions)

SHRI AMAL DATTA: It is upto you to decide. You are the custodian of the privileges of this House.*(Interruptions)*

MR. SPEAKER: Please do not burden me.

(Interruptions)

SHRI AMAL DATTA: I have pointed out to you that I will not get any benefit even if he puts them on the Table of the

House. But this is the Rule of the House. If you are going to depart from it, certainly, you are entitled.*(Interruptions)*

MR. SPEAKER: Let us not do like that. Now you make your speech. You keep the document and you underline from which he has quoted. I will look into it.

(Interruptions)

SHRI AMAL DATTA: On that assurance. I can now go ahead.*(Interruptions)*

[*Translation*]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Speaker, Sir, I am on a point of order. Sir, our opinion is that the prior request should not have come for it. Now when the request has been made, you know the context in which this opportunity was given. Unless the document due to which the External Affairs Minister had to tender his resignation and the same was subsequently accepted has not been produced in the House. We cannot believe on anything that is said by the Government unless this document is produced before us. As such I also have the same request as that of Amal Dattaji for a statement by the Defence Minister along with the said document to be laid on the Table of the House. This document has been a subject of discussion in the House for the last few days and it also led to the resignation of the External Affairs Minister, and as such we should get this document in hand. Mr. Speaker, Sir, apart from this we should get other information in this regard from the Defence Minister. Otherwise it will be confined to discussion that we had in the last couple of days. Mr. Speaker, Sir, I had given a notice yesterday as well as today and you must have received them.

MR. SPEAKER: I have with me the one that you have given today but at what

time did you gave yesterday's notice?

SHRI GEORGE FERNANDES: I had given it well on time but if you have not received it, it is not my fault. I had sent it at 10.00 A.M. and I enquired that it had reached you.

Mr. Speaker, Sir, along with today's notice I had enclosed a letter requesting that the discussion under Rule 193 should be taken up right now and simultaneously our proposal under Rule 184 should also be taken up.

[English]

MR. SPEAKER: I would like to have the benefit of knowing under what Rule?

SHRI GEORGE FERNANDES: It is under Rule 184.

MR. SPEAKER: And simultaneously the discussion under Rule 193 and Rule 184 should be taken up. But where is it provided?

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, rules are formulated for the smooth functioning of the business of the House and if a rule becomes an impediment..... (Interruptions) Mr. Speaker, Sir, you have asked a question and I am replying to the same.

MR. SPEAKER: See, please place your point of order one by one. The first point of order pertains to the document. The second relates to the notice given under Rule 184 and that can be taken.

SHRI GEORGE FERNANDES: I want to point out that rules are framed to fulfil the objective of the undergoing discussion in the House. If certain rules become an

obstacle, in that case I would like to draw your attention towards Rule 388.

[English]

"Any Member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried the rule in question shall be suspended for the time being."

[Translation]

It is my humble request to you that both the notices given by me under Rule 193 and 184 are before you. The objective behind it is to discuss this issue and reach at a conclusion because this issue has become a cause of concern not only for our country but for the entire world. What kind of impression people are getting about our country. The resignation of our External Affairs Minister has been published by the newspapers of the whole world. The External Affairs Minister has to resign for not caring about the dignity of the esteemed post that he was holding and on account of it this House and the country has become a butt of ridicule for the entire world. If you go through my proposal you will find that it contains the same things which we can extract in case we have a discussion under Rule 193. I request you to permit us to place this proposal before the House. After this we leave everything to you.

MR. SPEAKER: I am leaving it to you. You may do what you like.

SHRI GEORGE FERNANDES: All right.

MR. SPEAKER: It may be kept after the discussion.

SHRI GEORGE FERNANDES: All right. Thank you for this. But you have not said anything about the first issue.

[English]

MR. SPEAKER: What is the point of order? You have raised a point of order. The point of order has to relate to something which is provided in the Constitution, in the law, in the rules or conventions. You have not quoted any provision of the Constitution, any provision of the rule and any provision of the convention. Now you say that if the documents have been quoted in the statement by the hon. Defence Minister, they should be placed on the Table of the House. But the question is, if he has quoted — it is not making a mention on behalf of the documents — then he has to lay it on the Table of the house. If he has not quoted and he has drawn the inference from the document and made a statement on the basis of the inference, he is not compelled to lay the papers on the Table of the House. Now, I do not find any quotation in the statement made by the Defence Minister. So, I do not think that this will apply to this point of order. As far as other document is concerned.

(Interruptions)

MR. SPEAKER: I will allow you.

(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur): Please do not simplify this. The Minister has paraphrased in the document.....(Interruptions)

MR. SPEAKER: Why the document has to be laid on the Table of the House. It is because each word, each sentence, each comma and everything has to be tallied and to be found out that it is correct.

SHRI SAIFUDDIN CHOUDHURY (Katwa): It has a technical aspect.(Interruptions)

MR. SPEAKER: Otherwise you ask him.

(Interruptions)

MR. SPEAKER: Please not like this. Let me decide. now this is a point of law. If there is any other arrangement, I have no objection.

SHRI AMAL DATTA: We will go into it later.

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, I don't want to intervene in this discussion, but I do not understand one thing. Presently, the Bofors issue has been raised here due to the note given by our former External Affairs Minister to his Swedish counterpart. A demand was made in this House to table that note here. We should be told about the note, its contents and from whom it came. The Minister of Defence is keeping quiet on these questions.

I don't understand as what lucrative method should be followed to break his silence. Mr. Speaker, Sir, you should take a decision. All these discussions will become meaningless, if a satisfactory clarification is not given in regard to that note. The Minister of Defence should be asked to throw light on that note.

THE MINISTER OF DEFENCE (SHRI SHARAD PAWAR): The point in regard to that note has already been replied here. The former External Affairs Minister said that he does not have a copy of that note. He had only one copy which he gave to the Swedish Foreign Minister. Today the

[Sh. Shara Pawar]

Government does not have a copy of that note.

[English]

SHRI INDRAJIT GUPTA (Midnapore): It is a serious matter. What the hon. Defence Minister has said just now implies that the former External Affairs Minister does not know the contents of the note which was handed over by him to the Swiss Foreign Minister and he said no copy of the note is available now. He was simply asked to hand it over. I would just refer to the statement made by the former External Affairs Minister in the Rajya Sabha yesterday.

MR. SPEAKER: Is it on a point of order?

SHRI INDRAJIT GUPTA: The whole discussion will be infructuous — you tell us and then we will go home. The point is, how have you listed in the list of business. It says, Discussion under Rule 193, to raise a discussion on the latest position with respect to Bofors gun deal investigations. That includes the court cases which are going on and the hon. External Affairs Minister, before he resigned, told the Rajya Sabha that this note, on the status of the court cases pending in India, has been given to him by a lawyer. That means he knew that the note refers to the status of the court cases which are pending in India. That is what this whole discussion is about and how this operation scuttle is being carried out. How are we denied access to that now? That note refers to the status of the court cases pending in India. Is that connected with the investigations or not?

[Translation]

SHRI SHARAD PAWAR: It was also

raised in the Rajya Sabha. Then the former External Affairs Minister said that he had only one copy which he had given to his Swedish counterpart there.

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): The lawyer who has handed over the note must have been introduced by some one. You can get to him and get a copy.

MR. SPEAKER: I am allowing Advva-niji and later on Amal Dattaji.

SHRI AMAL DATTA: On every single point if every leader starts speaking and then the Defence Minister replies, then we will get nowhere at all because there are so many points here. Let me just proceed in my own way.

MR. SPEAKER: Yes.

SHRI AMAL DATTA: Mr. Speaker, Sir, in 1987 for the first time I and I think many of my colleagues then in the House came to know of the word "Bofors". It was absolutely unknown to us before April 1987. We are now in April 1992. In the mean time every year we have been discussing something or the other of Bofors. Hours and hours we have spent on the discussion. Five years later we are again discussing the same thing. How far have we progressed? Has the Government been able to tell us how far we have progressed? They have said this person has been sent, that person has gone there and all that. But how far are we from knowing who are the people who received this commission? It is no longer a secret that commissions have been given and taken.

15.00 hrs.

There was a Joint Parliamentary

Committee which proceeded in the matter, notwithstanding the fact that the Opposition could not and did not participate in that. This is the fact. *(Interruptions)*

SHRI MANI SHANKAR AIYER (Mayiladuturai): Who prevented you from participating in it? Yes, you yourselves. *(Interruptions)*

MR. SPEAKER: I am standing, please sit down.

(Interruptions)

MR. SPEAKER: The names of the Members who are getting up and saying certain things, are with me, I think, in the list. Supposing they have to make any point, they are welcome to do it. But, let us not please interrupt each other's speech, that does not help us and that does not allow us to concentrate on the points on which we should. May I request all the Members not to interrupt in between and disturb the Members?

(Interruptions)

MR. SPEAKER: Your name is also with me.

(Interruptions)

SHRI AMAL DATTA: I do not wish to provoke anybody. *(Interruptions)* I hope that in the course of the discussion, unnecessary provocation will not be there. I do not want to provoke anybody and let nobody try to provoke me also.

MR. SPEAKER: Thank you.

SHRI AMAL DATTA: Sir, what has happened? In the meantime, we were told that it is impossible in the Eighth Lok Sabha between 1988-89. After the Joint Parliamentary Committee had come out with a

clear finding that commission had been paid, they said that it could not be found out by that Parliamentary Committee on the ground that only the Swedish people are examining and the Swedish people would not give the names on the ground of commercial confidentiality, because Bofors was a company, and the Swedish Government was not in a position make them disclose the names of those who took the bribe or commission. Then, we, said, "All right, we cannot go behind this". But, we agitated in the Parliament that the Government must do something to find out through the CBI or various other investigative agencies, which the Government has got at its command, as to who were the people who received the commission, because we have been told again and again in this House that Government has explicitly prohibited the appointment of agents and giving of any commission in respect of any defence deal.

Right from 1984 December, it started and that kind of prohibition was issued. It was repeated again and again in 1985. These things have been said in the House. Therefore, this House and the Opposition was very much within its rights to demand a proper investigation by the Government agencies as to who were the takers of this commission. It was at that time, the whole thing broke for the first time. It was apparent that moneys have gone to Swiss banks. We were told by the then Government that it is impossible to find out from the Swiss banks as to who is the holder of any account because they have just got such strict laws of secrecy and so much client confidentiality will be maintained that they will never disclose even to their own Government - much less to a foreign Government - as to who is the holder of the account, in whose account these moneys have gone. We knew from even the disclosures, as to the names of some of the accounts into which the moneys had gone.

[Sh. Amal Datta]

But, with this kind of statements in the House, the Government some how stalled it and we know that certain letters were then written to the Swiss authorities by the CBI or some other agencies of the Government which were rejected. This House is supposed to be a sovereign body. And the Members of the Cabinet are supposed, according to the ancient theory of cabinet government, to constitute a committee of Parliament to rule the country. But this House has no way of knowing exactly what information was then sent to the Swiss authorities because of which they were obliged to reject the request of a Government like the Government of India. We have no way of knowing this unless the Government now comes forward and shows us what were the requests – mysterious – because a little later, in 1990, we understand and today's statement says, a regular case was filed by CBI. I am quoting from the statement. I noticed that a regular case was filed by the CBI on 22nd January, 1990. Within four days of the filing of the regular case, the case was presented to the Swiss authorities, to the examining magistrate, who ordered the freezing of all the Swiss bank accounts – one account in Zurich and five accounts in Geneva. This is extraordinary. The Minister now says that a regular case was filed.

Obviously the inference is that earlier the request was made on the basis of not filing any case or some irregular case which the Swiss authorities did not care to take notice of. It is obvious. So, we should see these documents to be able to argue that the Government is carrying out its duties, which it has taken up, at all. It is worthwhile knowing these facts. I have only come to know this from newspapers and news-magazines. Is that a way that the Members of Parliament should know how the Government is functioning and particu-

larly in respect of pursuit of investigation into an affair like Bofors which had determined the electoral fortunes of parties, at least in 1989 elections. I am sure if the leaders of all these parties in Parliament start thinking, they will understand the inadequacy of this parliamentary system and particularly the non-supply of information in our Parliament by our Government and how handicapped we are in discussing anything which pertains with the Government. It is not ready to give any information. This does not happen in any parliamentary system, in any democratic system.

There is a phrase now in the Western world. They say, Government in the sunshine. Everything must be transparent. This Government hides everything. Even the letters have been sent to the Swiss authorities. The Members are not entitled to know it when the debate is on in Parliament. How are we going to say? What are we going to say? Just because a statement is read out, we are to believe that everything, that has been stated there, is correct. It is a matter of interpretation. What the CBI has asked the Swiss authorities to do or not to do, it is a matter of interpretation of the person who made the statement. Are we to be guided by that only or are we to be allowed to exercise our own judgments on the basis of documents placed on the Table of the House? This is something which you must decide. I request every party and the leaders of all the parties to go into this matter. How long are we going to argue matters in this sovereign Parliament and waste crores and crores of rupees of the poor Indian people in such ignorant arguments?

Today, I am arguing on the basis of what? What have they given us except this statement? At the beginning of the statement, it was stated that because the information had been given, therefore, it is giv-

ing information. Very good; I appreciate that. That should have been given us earlier alongwith all those documents which have been referred to us. We are entitled to it for the sake of the country, for the sake of India, for the sake of the people whom we represent. It is not my ego to go through the Government documents. It is not for that reason. So, lot of things have to be done. In this kind of parliamentary procedure, we cannot make the Government accountable at all. That is just for delight. This is not a democracy. There have been Parliaments in so many countries for hundreds of years without having democracy and we ourselves have relegated voluntarily to that position. Sir, we find that court cases have been filed after this miracle started. In four days time, all the accounts were frozen. Letters were sent regarding five accounts in Geneva and in the process of doing that, the CBI must have credit that they found out that there is another account about which nothing had been mentioned earlier. I am talking of January–February 1990. The source of information of the CBI was also deficient to that extent. Regarding the sixth account, it appeared to have no name given to that account and no one knows the name of the account holder but they managed to get that account also frozen. The Swiss authorities complied to the request that if there is an account in the name of any of these so many persons, that account may also be frozen and such an account is there which has got the largest amount of money for which – I am quoting again and I am sorry if I am wrong – they are to be blamed. The amount is a few hundred crores of rupees, much much more than the Bofors pay off, much much more than they could have ever imagined. This is the information. Now, what is happening? Zurich Court went like a knife through butter. It is because money have been taken away from that account. There was an appeal. But the appeal can be pursued vigorously

or may be given up. I do not know what had exactly happened in the Zurich Court. But the Cantonal Court disposed of the matter quickly. The matter went to the Supreme Court and within 7 to 8 days, the Federal Court disposed of the matter. So, when the information of that account came, it was found that the money deposited was 50 million Swiss croners or Rs. 8 or Rs. 9 crores or something like that in those days. That amount had been taken away from that account within a week of deposit and taken to an account in Geneva Bank belonging to some Boulevard Investment or some company in Panama. So, the five accounts and the sixth account in Geneva are the now the subject matter. But what is being done? The CBI had pursued the matter until the court cases started stalling the progress of the Cantonal Court. The court in India started stalling the progress of the Cantonal court proceedings in Geneva.

Two things started happening. One is that court cases started being filed here. Mr. H.S. Chaudhary has been mentioned as a public interest litigant who had filed a case and that case went on for some time in Delhi High Court. It was filed on 17th August and went on till 19th December. This case made lot of headlines in that period because of the extraordinary way in which the case was sought to be dealt with by the presiding judge and the High Court Judge, Justice Chawla who, before two days of his retirement, dismissed that case and issued a *suo motu* show cause notice against the CBI as to why FIR should not be quashed. The matter went to the Supreme Court on the 23rd January 1991 and the Supreme Court did not decide it till 23rd of August 1991. It was in the Supreme Court for an approximate period of eight months. Now, during that period. Cantonal Court did not progress. The Cantonal Court took notice of what the Supreme Court had said. I do not know ex-

[Sh. Amal Datta]

actly what procedure is followed. The Supreme Court did not give any stay on the basis of the FIR filed before the Special Judge in Delhi, nor to the letter rogatory. But still, the Geneva Cantonal Court did not progress. I do not know what stalling attempt took place at that time. It appears that the disruption of the CBI, which had begun earlier, has not yet been fully completed.

The Government, in the meantime, started another thing. The first step is to see that the progress of the case is stalled. In fact, the whole procedure of the H.S. Choudhury's case before Justice Chawla's court makes a sordid reading. The way the Government has mishandled the case, it is obvious that the Government's counsel was actually arguing for the petitioner!

The second step is two Joint Directors in the CBI who were in charge of the Bofors case were removed. When two were there, one person was transferred on the ground that two were not needed and one would suffice. So, he was moved out. Then the second person was transferred because he wanted to get back to his original cadre. So, at the same time, practically two of the officers who were in charge of the case for at least one year were removed though they had been brought to the CBI for a period of five years.

Then, another person came. He was brought earlier and given charge of some very sensitive cases. He has been given the Bofors case. I do not want to name this officer. But informally, his nickname is 'Government's undertaker of cases'. He is good for burying cases! So, that is the person with whom the Bofors case now rests.

Immediately after the Supreme Court

had given the judgment on the case of H.S. Choudhury, not only the information was given to the Swiss authorities and certified copies sent, but the petition filed by Win Chadha within ten days of the Supreme Court's dismissal of the appeal, was also sent. So, a copy of that petition was also sent. The Defence Minister wants us to believe that the CBI had said at that time that there was no stay from the court and therefore the Geneva Cantonal Court had to be persuaded to proceed. We do not know! We would like to be convinced that the CBI or the Government had sent such an intimation also along with the petition. We would also like to be convinced about the reason why the petition was at all sent, when there was no stay from the court, and if there was no intention of stalling the progress of the case in the Geneva Cantonal Court. If that is the procedure, there is the Swiss Counsel. Let him certify that that was the procedure. Let him certify that if there is any case pending any where in any court in India, then the Cantonal Court could not proceed. If that is the custom and practice in the Cantonal Court, then, nothing can be done. But that cannot be the practice. There are thousands of courts in India. There are nearly 20 High Courts and hundreds of District Courts. There are nearly 340 districts. Anywhere anybody can file a case and immediately the Cantonal Court stops functioning. It just cannot happen that way. But, if high officials of Government of India in the CBI, who are supposed to get at the truth – and the whole process to move the Swiss authorities and the Swiss Court is to further their investigations – if they send that petition, the immediate inference is that they do not want the Court to proceed any further. So, that is exactly what has happened. Again and again information has been given, again and again requests have been made to Mr. Schaid, Chief of the International Law of Prosecution Department of the Swedish Foreign office. He

conducts the case in Sweden on behalf of the Government of India. I am referring to this gentleman because his name has come in newspapers. He is a Government official. He has said that he has received so many requests from the Indian officials by telephone or otherwise for not proceeding with the case as the Government of India is not interested to pursue the case. It has also been reported that this gentleman has now written the names of all the callers. He says that he knows the names of all the persons who called on him and also as to what did they say. So, the position is that with the consent of Government of India people have been doing this. The court cases in India are the camouflage and are affront. They could have been disposed of. What has the Government done to expedite the case which has been filed by Shri Chadha? From the last September they have been sitting on that case. They could have taken a number of courses to get the matter transferred to Supreme Court which has dismissed an identical public interest litigation.

15.22 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Both the Houses were agitated on Shri Solanki's passing on a note to the Swiss Foreign Minister, his counterpart, to the effect describing the status of the case in Indian High Court. He also made a request not to proceed with the case. Today it has come out in the papers that their Justice Department has received a clear request for the Cantonal courts not to proceed. If that is so, that is only an extreme manifestation of what the Government was doing so long. Government had tried to do it in many ways. They must have thought that they have come to such a pass that the cantonal courts in Geneva is getting impatient. Now, we pass an order, by which

order all the documents will be disclosed; names of all the account holders will be disclosed.

Now, what benefit will they get if the case is delayed further? The hearing of the case is scheduled for 3rd April. Today is 1st April. If this case now gets adjourned it will not be adjourned for two months but it will be adjourned for 6 months because the courts go on a vacation. Definitely, the authorities in charge of the case here knew it. Therefore, they want the case to be adjourned. I think the case will definitely be adjourned because of that note and because of what preceded and followed that note.

The stature of the case has been brought down by the kind of overture made by CBI and other authorities in India whether by telephone or by written communications. Now, the CBI has sent Shri Malhotra, a man of the rank of DSP, who has replaced a man of the rank of the Joint Director, to go to see the Swiss authorities. It seems that that Officer was told by the Swiss authorities that they must get an official letter from the Government of India saying that the Government of India wants them to proceed with the case expeditiously. That letter has not yet been written by the Government, though this was told some time in the first week of March. This is very strange. I do not know why the Defence Minister spoke on behalf of CBI. There is another Minister in charge of CBI apart from the Prime Minister. When that officer asked the Government to send an Official letter, a Demi-Official letter was sent requesting them to continue with the case, that means protract the case. Second DO letter has gone saying that the Government wants the case to be dealt with expeditiously. So, uptill now what was being apprehended has proved to be truth.

[Sh. Amal Datta]

15.26 hrs.

[SHRI SHARAD DIGHE *In the Chair*]

The former External Affairs Minister while giving a statement in the House said that he did not know what was there in the note. He only knew that the note was regarding the status of the case with regard to Bofors in India. Who has handed over that note to him, he did not mention anything about that. Whether it was handed over to him in Delhi or Geneva he did not know. The House witnessed a lot of commotion on that day. From that very day we had suggested that the Government must place that note on the Table of the House. But our demand was not accepted. And now another Minister says that he does not have a copy of that note. The earlier Minister could have said that he does not have the copy. But he did not say that. Then we asked the Government to request the Swiss authority to give a copy of that note. Today, it takes only a minute to get the copy. You can FAX your request and they will FAX you back. It is a 5 pages note and it will take only a minute to get a copy. Obviously, their interest is to suppress the facts; to suppress the note. It is possible that the name of a lawyer may not be known but somebody who is well known; who is very influential in the Government his name can easily be known. Why he cannot tell us the name? Is he a person who is very influential in the Government; whose name cannot be given and so it must be suppressed or is he somebody outside the Government who is trying to influence the courts proceedings. In fact some of the names are well known.

In fact, the papers have said it. I do not know whether he will admit that or not. In one of the appeals which was rejected by the Cantonal Court, the name of one of

the Hinduja brothers has come out. It is because, they have forgotten to delete the name. We know one of the names, although we know other names also unofficially. But, we cannot state that, rather, we should not state that. They were the people who were trying to influence the courts there. They should try to counter that impression. So, it is not only what they have committed but also what they have omitted. This is the exposition. They should have given this account but they have not done it.

Today, all the papers are no longer with the banks only. The names of the account holders and the amounts in the accounts – how much came, how much went out and how much is still there – are not only known to the banks. The Government of 1988–89 here, was very confident that nothing can come out of the Swiss Banks. Now, the Treasury Benches here should know that this information is now available to the Courts. They know who have got those documents. So, these documents are available with the authorities of the Swiss Government who are pleading the case on behalf of Government of India before those courts. These are all known to a number of people. Now, what the Government is trying to do is this. The game of the Government is this. If they can somehow get the proceedings of the 3rd or 6th or whenever it is adjourned by showing dis-inclination to pursue the case, then it will go to October. In the meantime, all the accounts will get unfrozen. Hundreds of crores of rupees will go out.

Sir, let them remember one thing. Those people who are pursuing this case should know that this money belongs rightfully to India. It is neither our money nor their money, it belongs to the country. If India loses the money, then, one day, the country will come to know on whose account the money was there. Because, it is

not in the possession of the bank's secret anymore. This has gone to various quarters now. Now, they should also understand that from Sweden, disclosures may come any time. Recently, some had come out from a very high source in the Bofors Company, who had earlier refused to say anything even on anonymity. He is a very high up in the inner circle. He had said that he is now anonymous and one day, he will come forward. It is because six years elapsed. The Swedish Criminal Law is no longer able to touch those people who were responsible for giving this commission. If the commissions are interpreted as crimes under Swedish Law, even then, they cannot be caught. Even that has elapsed. So, they are now in a position to disclose. The disclosures will come. It is the question, whether this Government seriously takes its business of getting this money back or not. Even if they try to suppress, the disclosures are bound to come. We are not dependent on this Government anymore. But, it is for them to see that the accounts do not get de-frozen. We should get the amounts for benefit of the poor people of this country. This money has been taken away by some conspirators.

MR. CHAIRMAN: You have taken sufficiently long time. Now, you wind up.

SHRI AMAL DATTA: I did not take so much time. Why are you pressing the bell? I have started at 3 'o' clock.

MR. CHAIRMAN: There are so many other Members who want to speak. You please wind up.

SHRI AMAL DATTA: The Government should also give an assurance to this House that all the papers relating to this, not only the papers mentioned today by the Defence Minister, should be laid on the Table of the House; and the White Paper shall be published saying what are the steps

taken by the Government. That statement is not enough.

Only one Minister is taking the responsibility, the entire Government should take the responsibility to produce a White Paper. They need not think that their fortune was determined only by one election on the basis of Bofors; Bofors is back and Bofors will carry on till the next election. So, they should take care to see that at least Bofors do not cause the same misfortune which they had met in 1989. (*Interruptions*) We also feel ashamed when foreigners tell us that your Government is not interested in catching those people who have taken a lot of money. (*Interruptions*)

MR. CHAIRMAN: He is concluding.

SHRI AMAL DATTA: There is nobody in this country who would not feel ashamed to be under the Government which does not want to pursue a crime of taking bribe or commission and getting back the money from the person who had taken it and punishing him. The Government owes an explanation to this House. Let them give that explanation.

MR. CHAIRMAN: Mr. Pawan Kumar Bansal.

(*Interruptions*)

SHRI SRIKANTA JENA (Cuttack):
What about the note? (*Interruptions*)

SHRI RUPCHAND PAL (Hooghly):
Without the note, how can this discussion continue? (*Interruptions*)

MR. CHAIRMAN: We will continue with the discussion.

SHRI SRIKANTA JENA: I am on a point of order. We are now discussing Bofors investigation. Yesterday, the Minis-

[Sh. Srikanta Jena]

ter of External Affairs resigned. On what basis, has he resigned? Why has he resigned? he has resigned because he has handed over a note to his counterpart, who is the Foreign Minister of Switzerland. The House is interested to know what is that note? What are the contents of that note? Who handed over the note to the Foreign Minister? Who authorised our Foreign Minister to hand over the note to the Switzerland Foreign Minister? That is what we are interested to know.

Now, the Defence Minister says that he is not having a copy of the note. Let him bring that copy from the Swiss Government. *(Interruptions)*

SHRI BASU DEB ACHARIA (Bankura): He can obtain it from there.

MR. CHAIRMAN: Please sit down. There is no point of order. You can raise these points in your discussion.

SHRI SRIKANTA JENA: Who handed over the note to the Foreign Minister of the Swiss Government? Why has he resigned? Let our Foreign Minister come to this House and explain about these points. Then we will continue this discussion. *(Interruptions)*

SHRI BASU DEB ACHARIA: I am on a point of order.

MR. CHAIRMAN: One minute. Don't raise the same point of order again and again. The same point of order will not be allowed to be raised again and again.

About this letter, I have already said, there is no point of order at all. You may continue the discussion.

SHRI SRIKANTA JENA: Why not? The

Government is deliberately suppressing the fact. *(Interruptions)*

MR. CHAIRMAN: Which rule is violated? No rule is violated.

SHRI BASU DEB ACHARIA: You first listen to my point of order. *(Interruptions)* How can we continue the discussion when the note is not available to us?

SHRI PAWAN KUMAR BANSAL (Chandigarh): It was exactly five years back, in April 1987, the Swedish Radio alleged that bribe had been paid in the purchase of 155 mm Howitzer gun..... *(Interruptions)* Yes, our thoughts do go back to the events of the last five years when you rake up that matter today again. Sir, because of the concern and passion of the people of India for honesty and truth, this news item did attract attention all over the country. The Government on its part, was equally concerned about it because contrary to the practice the world over, the Government of the day then had ensured that no middleman was involved in the contract and direct negotiations were held with the suppliers.

This news somehow had come at a time when our friends in the Opposition were in a state of total disarray. They had had a drubbing at the last elections then, and were, in fact, groping in the dark to attack the Government on any possible score. This news item obviously came as a god sent gift to them. And they imagined that this would perhaps give them the food for sustenance.

In the years that followed, I have the statistics before me, during the Eighth Lok Sabha, our friends descended in the Well of the house every how and then and during the debates on the Bofors issue there were as many as eleven adjournments and the time taken for such adjournments was

four hours and thirty-one minutes. The time taken for the debate was over 64 hours.

AN HON. MEMBER: Therefore, we should not take more time.

SHRI PAWAN KUMAR BANSAL: Please have the patience to listen to what I say.

MR. CHAIRMAN (SHRI SHARAD DIGHE): Do not interrupt please.

SHRI PAWAN KUMAR BANSAL: Being concerned about the thriving of democracy to which Shri Amal Datta referred, to be true to its office, the Government then agreed to the demand of the members of the Opposition to form a Joint Parliamentary Committee to go into the matter. But realising soon that perhaps the findings of the Committee might take the wind out of the sails of the Opposition, they backed out of it.

Nevertheless, the Joint Parliamentary Committee went about its job in a very conscientious manner and came to the conclusion that payments were made in three cases. But despite the fact that various agencies had been sent abroad to collect any material that they could lay their hands upon, those efforts were stymied because of the lack of evidence there. But nevertheless, thereafter the Government did not close the matter there.

The Government then — the Congress Government — amended the Criminal Procedure Code and in pursuance thereto, as has been mentioned in the statement of the hon. Minister of Defence, the CBI registered the cases. Letters Rogatory were sent both to Switzerland and to Sweden.

I do not know what knowledge my senior colleague Shri Amal Datta, in fact, has about the functioning of the courts

there. But what we learn from the statement of the hon. Defence Minister is that it is abundantly clear that the Government of India — and here I am saying the Government of India, not only the Congress Government, the Government of India as such — had pursued the matter. It came across many insurmountable difficulties and obstacles but nevertheless the matter has been going on. If I briefly refer to what the Government has been doing, one thing which stands out abundantly clear is this. After the rejection of the letters rogatory, if the Congress Government today wanted to go slow on the matter, it would not have filed an appeal in the matters.

We learn from the statement of the hon. Defence Minister that it was on 30th August 1991 after the Supreme Court had held that the FIR was not invalid, immediately the CBI informed our Embassy in Berne that the matter could go on. Thereafter it was on 12th of September 1991 that the certified copy of the Supreme Court Order was despatched by the CBI through our Embassy in Berne. I think, much has been sought to be read into what I would honestly term as some inadvertent, some unwitting act of indiscretion by the Minister for External Affairs in passing on, as he said, some documents, some papers, to his counterpart in Switzerland.

Sir, had the intention of the Government of India been, I repeat respectfully, to stall the proceedings, no official communication would have been sent. I am emphasising on the word 'official' because there is no reason for Shri Amal Datta to infer that the communication was not official but demi-official. There was no other reason for the Government of India to act with that despatch in emphasising on the Government there that we want the proceedings to go on. It was on 24th and 26th March, only a few days back, the authorities there were informed about the anxiety of the

[Sh. Pawan Kumar Bansal]

Government of India to go ahead with the investigation expeditiously.

Sir, as to how the investigation goes on there, what procedure is followed there, is not within our control. What is absolutely important for us here is as to what is the intention of the Government here. It is precisely for that purpose that I wanted to go back to the last five years to say that on no occasion was the Government found wanting in its duty. I do not want to, in fact, impute motives on this. But this matter has been raked up here again. And finally it was towards the conclusion of his speech that the truth manifested itself about the intention of our friends on the other side when my senior colleague, Shri. Amal Datta said that this matter has to go on up to the next general elections. It was precisely because the Opposition was flabbergasted over the resounding victory of the Congress in 1984 that this matter was raked up them.

Sir, we know that the Government was sincere about it. It was difficult and totally inexplicable for us to hear our friends say during the elections of Haryana that year, that the guns were of sub-standard quality. The poor people, whose sons, whose fathers, go to Army from the rural areas in Haryana, they were told by our friends that they had been sent with inferior guns. Their intention was to create chaos in the country, to destabilise the Government, to create a feeling in the minds of the people that perhaps the Government is not looking after the interests of the country. Somehow the people were not demoralised.

Sir, it was my honourable senior colleague Shri Jaswant Singh who, as a member of the Consultative Committee attached to the Ministry of Defence, witnessed the

performance of the guns.

I do not want to go into the details thereof.

SHRI LAL K. ADVANI (Gandhi Nagar):
That was not our intention.

SHRI PAWAN KUMAR BANSAL: But he cannot deny that it was he who had also said that the guns were of the required standard for the country. (*Interruptions*) The attack on the Government continued. The people somehow were misled because that orchestrated campaign continued for four-five years. The investigations took long because we could not have the findings from the courts abroad. In the meanwhile, we went to the polls. Perhaps that was the major issue before the people. People, as I began by saying, were having great concern for honesty and truth, that is the Indian ethos. They have somehow at that time associated on the prompting of our friends on the other side Bofors with corruption. They voted the Congress out of power. Here I want to remind Shri V.P. Singh that before he took over the mantle of the Prime Ministership, perhaps in 1988, if I am not mistaken, he had taken out some electronic gadget from his pocket and said that he had the information as to who were the beneficiaries of the bribe. Thereafter, he had the good opportunity to be the Prime Minister of the country. The matter continued; the matter persisted. There was nothing stopping him to reveal whatever information he had. (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH (Fatehpur): Sir, I have no intention to intervene in the Debate. On my behalf and on my party's behalf, Shri George Fernandes was to intervene. But, invariably to say that our Government could not get anything is something totally far from the truth. Within four days, we got the Swiss Bank Accounts. It is prove that bribes had been

given to AE Services. That document is there in Government's hand and he is saying that we could not get anything. (Interruptions) The Audit Bureau's Report should be put on the Table of the House. You go and read it. (Interruptions) .

SHRI PAWAN KUMAR BANSAL: I do not want to say that Shri V.P. Singh did not receive any information. (Interruptions) The A.F Services PC reported and it was on 13 December, 1990, when the Congress Government was not at the Centre that the CBI received copies of documents relating to the bank account of AE Services. What has been done with that? It will be either Shri V.P. Singh or his erst while colleagues who would explain to us. Shri Vishwanath Pratap Singh: We have got it from the Court. (Interruptions)

MR. CHAIRMAN: I will not allow a dialogue like this.

(Interruptions)

SHRI SRIKANTA JENA: What is the allegation he is making? What he says is rubbish. (Interruptions)

MR. CHAIRMAN (SHRISHARAD DIGHE): No disturbance please. Kindly sit down.

(Interruptions)

SHRI VISHWANATH PRATAP SINGH: they had all the papers with them. (Interruptions)

SHRI PAWAN KUMAR BANSAL: Sir, I said nothing to provoke Shri V.P. Singh. (Interruptions)

MR. CHAIRMAN: Please take your seats.

(Interruptions)

MR. CHAIRMAN: Kindly sit down. I will not allow at every sentence somebody to obstruct the speaker. If anybody wants to reply, he may reply at the end. Let him speak and continue.

SHRI PAWAN KUMAR BANSAL: Sir, I . in all humility, want to say that I did not utter a single word to provoke Mr. V.P. Singh. I only stated a simple fact that on 13th December, 1990, the Government of India did receive copies of the documents relating to the bank accounts of AE Services. I want to further say that had there been anything incriminating therein, the Government of the day should have made that known to the public. It is here that I want to refresh the memory of the hon. Members that Shri V.P. Singh Ji... (Interruptions)

MR. CHAIRMAN: Please sit down...

(Interruptions)

SHRI PAWAN KUMAR BANSAL: Sir, it is only to refresh the memory of the hon. Members that I wish to say here that it was Shri V.P. Singh Ji as the then Finance Minister who had okayed the proceedings of the Price Negotiating Committee regarding these Howitzer guns. These are matters of record. He was our Finance Minister. (Interruptions) Yes. But it was he who had then okayed, who had put his signatures thereto... (Interruptions)

SHRI VISHWANATH PRATAP SINGH: The commissions also I have signed.

SHRI PAWAN KUMAR BANSAL: I do not know. I have not said so. But that was a very material and an important act in the Chain of the proceedings.

As to what this Government has done in expediting the proceedings, in ensuring that the matter goes on uninterrupted is in

[Sh. Pawan Kumar Bansal]

the interest of our Government. I said that once earlier. It is the Opposition which is interested in delaying the matter. It was the Opposition which was interested in delaying the matter then. They wanted the setting up of the JPC and then they backed out of it because they wanted to continue with their attack against the Government. It is the Opposition today again which finds itself on a weak wicket because that the Government today has taken up those important policy decisions which have been welcomed by the people. The Opposition realises that the Government... (*Interruptions*)

[*Translation*]

SHRI MOHAMMAD ALI ASHRAF FATMI (Darbhanga): Please talk about that letter. Please tell, why the Finance Minister was ousted. (*Interruptions*)

[*English*]

MR. CHAIRMAN: Please sit down...

(*Interruptions*)

MR. CHAIRMAN: Let us have a good and peaceful debate. Like this sort of interruptions, we cannot continue with the debate. Whenever your turn comes, you can reply, but if somebody says something which you do not like, you should not interrupt every now and then. I am telling all the hon. Members of this House that they should not interrupt only because the Member says something which one does not like.

SHRI PAWAN KUMAR BANSAL: The hon. Minister of Defence has informed us that the Swedish Government had communicated its decision after examining the

Letter Rogatory on 14th June, 1991 that it was not agreeable to the re-opening of the preliminary investigation by the District Prosecutor Mr. Lars Ringberg. Had it been the intention of this Government to close the matter there... (*Interruptions*)

MR. CHAIRMAN: Again you are interrupting him. There should be no running commentary like this. It is not allowed under the rules. I will read out the rule.

(*Interruptions*)

SHRI PAWAN KUMAR BANSAL: The appeal had been filed as recently as on 2nd March, 1992 against the aforesaid decision of the District Prosecutor. That appeal was rejected on 10th March only. We have left no forum where the matter could be taken up and the Government had not taken up the matter. I do not know how the hon. Member, who initiated the discussion on this matter, referred to the proceedings pending in the High Court and in the Supreme Court here to say that it was the Government which was adopting dilatory tactics. On the contrary, it is abundantly clear that it was the Government which lost no time in communicating to the authorities abroad that the Supreme Court had held the F.I.R. to be not invalid and that on the fresh petition filed by Mr. Win Chadha in the High Court no stay order had been granted, meaning thereby that the matter should proceed on. If the writ petition filed by Mr. Win Chandha in the Delhi High Court, wherein no stay whatsoever has been granted, is delayed and the Court takes time in deciding the matter, what fault can you find with the Government?

There are occasions when our friends rather over-stretch themselves in accusing the Government of meddling with the affairs of the Court Here, today, they are

saying that why the Government of India has not seen to it that the matter is dismissed or decided by the High Court at the earliest. It is for the sake of adding emphasis to it that I want to say that after the stay was refused by the High Court, the Government lost no time in Communicating that decision there. I really fail to understand and it is precisely for that reason you grant me the indulgence to say, I do not want to raise a presumption but I am forced to raise a presumption-that the issues are raked up again and again with an ulterior motive.

The hon. Minister of External Affairs came here the other day and he accepted his indiscretion. (*Interruptions*)

[*Translation*]

I would like to submit that he has resigned. Before submitting his resignation, he has accepted in this House that he had committed a mistake.

[*English*]

But I challenge my friends on the other side to rise and point out a single word or a single action of the Government where the dignity of this House, where the honour of the country or where the proceedings of the case have been compromised with.

With is the groveman of the charge against in the Bofors case? It is that allegedly bribes have been passed on.

The proceedings of the last five years have shown that the Government was never wanting in its duty. Today, only because some mistake has been committed somewhere for which, with all the grace,

Shri Solanki, to uphold the high traditions of our democracy about which our hon. friend on the other side was lamenting about, tendered his resignation. That should have been welcomed. (*Interruptions*)

Sir, it is again interjections like this...(*Interruptions*) *

MR. CHAIRMAN: Don't record anything which is being said without my permission.

(*Interruptions*) *

SHRI PAWAN KUMAR BANSAL: It is again interjections like this which impel me to say that this matter is taken up only to level mendacious and baseless allegations against the Government as they did in 1987. It is an old story without any basis whatsoever and that is what the people of the country are conscious about. But, Sir, given the track record of our friends on the other side, the people of the country are not going to be misled today. They know they were misled earlier any they will not be misled now. They know how the country suffered when the Airbus 320 was grounded...(*Interruptions*)

MR. CHAIRMAN: You are continuously violating Rule 349 which says that you shall not obstruct the proceedings. You avoid making a running commentary.

(*Interruptions*)

SHRI PAWAN KUMAR BANSAL: If the people of the country have ever suffered because of the actions of the Government, it was by the grounding of the Airbus-320. This led to a loss of Rs. 180 crores. The people of the country suffered and, Sir, if the people of the country have suffered,

[Sh. Pawan Kumar Bansal]

because most of the precious time of this hon. House as well as that of the other House has been wasted in raking up matters which are without basis. (Interruptions)

MR. CHAIRMAN: No running commentary, please. Let him have his say.

SHRI PAWAN KUMAR BANSAL: Sir, I would not like to take more time of the House. I would only say that a seemingly insignificant thing otherwise has been blown out of proportions only to create a lurking doubt in the minds of the people. But this is an old stor. The people of the country have gone through this rigor earlier. For five years they heard of nothing but Bofors. Finally nothing came out of it. Our friends on the other side, when they came to power, held out that the truth would be before the people within 15 days. They ruled for eleven months. Eleven mouths elapsed, two governments fell, but nothing came out of that. The new Government is sincere about it because the Government believes in cleansing public life, the Government believes in unearthing the truth, and it is only with that aim in mind that the Government is going about it we are equally concerned as they are in knowing as to what the truth is. The Government is not at all interested in hiding the truth, the Government is interested that the matter comes to an end at earliest, that we receive the necessary information from Switzerland and from Sweden so that the matter can proceed here.

SHRI JASWANT SINGH (Chittorgarh); Mr. Chairman, Sir, we heard the debate opening with a statement by the honourable the Defence Minister, and I have heard with some attention my old friends and my only colleague, Shri Pawan Kumar Bansal.

Sir, the hon. Defence Minister's intervention was preceded by the consultation that the Government and he held with us. I would like to place on record that it was useful consultation and I would like to commend the Government for the initiative that they took in holding those consultations. I would nevertheless like to share a word of caution with my good friends, the honourable the Defence Minister and I share this word of caution with him only because of the personal regard that I have for him.

Bofors, it must be said is dangerous, handle it carefully. It is a chalice of poison, a lot of people have attempted to play with it and without any exception, whole ever has attempted to play with it, has had to pay a very heavy price. You are new to it, you are innocent of what had preceded in the past five or six years and since you are new to it, I consider it necessary for me to caution you that when you handle it, handle it with care.

Sir, very briefly I will make a reference to Shri Pawan Kumar Bansal's intervention. He regurgitated all of yesterday's debate. Unfortunately, he was fighting battles which are long since over and he accused us of blowing things out of proportion. I do not know what we have blown out of proportion. The issue of Bofors has certainly blown in the face of Parliament again and if we have blown anything out of proportion, then I do not know what is in proportion when the Minister of External affairs of the Government has had to resign and resign in such humiliating circumstances. Therefore, I would like to place it on record that I commend the hon. Minister for External Affairs for the candour that he had shown. It is the only time in this whole history of the Bofors episode that a Minister has stated the truth. I find the situation filled with irony that those who had stated the truth in respect of Bofors

are being punished and those who had covered the truth for all these years continue to adorn the treasury benches. There is some irony in it and that is why I would like to place on record the candour and the honesty with which the hon. Minister for External Affairs has made the statement. Irrespective of the fact of his candour and his honesty, in fact, unfortunately and very sadly he displayed amazing gullibility and simpleness and almost a total lack of the sense of collective Cabinet responsibility. I am sorry to observe this. I am also sorry to observe that the Prime Minister is not present here. The Minister for External Affairs has resigned. It is incumbent on the Prime Minister to be present here in the House to listen what we have to say, to share our concerns and certainly to intervene in the discussion. He too is accountable and he is answerable to this House. It is not a junior Minister not responsible for any substantial aspect of the governance of India who has resigned, it is his own Minister for External Affairs.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS (SHRI GHULAM NABI
AZAD): Sir, I would like to make it clear that the Prime Minister is coming any time after 4.30 p.m. and he is also intervening in the discussion.

SHRI JASWANT SINGH: Sir, we are informed by the hon. Minister for parliamentary Affairs that the Prime Minister will intervene at 4.30 p.m.

SHRI GHULAM NABI AZAD: He will be coming any time after 4.30 p.m. and he will be intervening also.

SHRI JASWANT SINGH: Sir, let me try to re-establish very briefly the contextual relevance of this particular discussion, the context in which this discussion has now arrived in Parliament again. There is a continuing context and I am glad that

Shri Pawan Kumar Bansal, towards the concluding of his intervention made a reference to it. That continuing contextual reference is about re-asserting value systems in our public life. It is about re-establishing the accountability of the Executive to the Legislature; and within the legislature re-establishing the accountability of the Treasury Benches to those of us that sit opposite the Treasury Benches across the well of the House. Thirdly, and I say it with a great deal of humility, there is an aspect, a continuing contextual relevance of re-establishing the high purpose of the interests of Indian State, that is, the Indian State's interest involved in the entire sorry saga of Bofors. Because you ignore all these contextual relevances it keeps on resurfacing. It will keep on resurfacing unless you answer all the many questions that have been posed by bofors. That is then second aspect which is that of context in time.

I will not go back to the original sin. I will not go back to the radio broadcast of Swedish Radio. I will start only from the end of the Janata Dal Government and go on up till yesterday—simply December, 1990 onwards. One more task I would perform very briefly which is to answer some of the points, hon. Shri Pawan Kumar Bansal has made. I know that some of the interventionists from the Treasury Benches will also make them when they rise because I have heard these very points endless by, one any number of times. Largely they are three. One, that, there is nothing in Bofors, that we in the Opposition raise it needlessly Hon. Shri Pawan Kumar Bansal, of course, went to the extent of charging us with mendacity. But otherwise, with greater restraint, those are the two charges which say, we raise it just for political exploitation. Secondly, he said, nothing has come out of it so far; thirdly—it is commonly said—when hon. Shri V.P. Singh was the Prime Minister, he had an opportunity; but why

[Sh. Jaswant Singh]

did he not do it. All these are very briefly and very easily answered.

There is a great deal in it. There is a great deal in the value of the corruption attendant upon on the purchase of Howitzarf. There is a great deal of money that has passed hands illegally. To say that nothing has come out is also wrong. A great deal has come out.

So far as hon. Shri V.P. Singh's Government having done or not having done anything is concerned notwithstanding other political differences that we may have or we have had in the past, I would place on record that his Government had certainly made very significant achievements in so far as reaching for the truth in this matter is concerned.

There is a caution here that I would like to share with the Treasury Benches. You have sacrificed a Minister. Please do not delude yourself into thinking that by sacrificing that Minister, you have found a solution to the problem of Bofors also. Please do not pursue that line that by creating an illusion of action, because the Minister of External Affairs has resigned, therefore, the Government has acted on Bofors. You will not fool either this Parliament or the public. You will certainly not be subserving the interest of the truth.

For re-establishing the time context, I will briefly give a simple factual narration of all that has taken place from December, 1990 till yesterday. I would offer no opinion from those incidents except some passing judgements. On the 6th of December, 1990, the Additional Solicitor General of India officially informed the Delhi High Court that the FIR of CBI "does not disclose any offence". On the 6th of December, 1990, the Government that was then in office

had your support. And the Additional Solicitor General that had been appointed had been appointed under your pressure.

Round then or earlier, you appointed as the Principal Legal Officer of this country. a gentleman who is now our Attorney-General and who had earlier held legal briefs for one of the principal accused in the cause of Bofors. He continues to be our Principal Legal Officer. This appointment was made when you were supporting the Government then in power.

The then Law Minister-And you were then supporting that Law Minister-was some kind of a catalyst for bringing about that Government and that then Law Minister is being employed by you even now as a catalyst to bring about people from this side to that side and from that side to this side.

The then Law Minister on 9th December, 1990 demanded disciplinary action against the Principal CBI official who was handling the Bofors case. You were supporting that Government and that Law Minister.

It is with great regret that I have to point out and I am sorry that the hon. former Prime Minister and the hon. Member of Parliament from Ballia is not here. As Prime Minister, he stated in public that Bofors as a case can be handled by a Sub-Inspector. You were supporting that Government. It is a matter of shame. You can have a subjective difference of opinion. I differ with him in this respect. Respectfully I differ from him. I hold him in high regard. But I am sorry that I cannot agree with him.

Such statements, when they come from the Office, either of the Treasury of Prime Minister, cause immeasurable damage. You send a message right down the

line, not just to the Sub-Inspector, to all those officials of the Ministry of Defence and to every one in the CBI, in the entire apparatus of State, that you are not interested in the matter. You were part of that Government.

With a great deal of hesitation, I point out that in the subsequent turmoil that Government goes, elections take place and a very sad incident happens. A former Prime Minister of this country, in possession of the full faculties of this youth and a very promising political career ahead of him, is taken away by foul assassination.

The hon. Member from Sivaganga in a very moving and eloquent personal tribute that he pays to his former leader says that in that memory we ought to now finally close Bofors. The same member who held the Office of Minister of State for Home Affairs, he went to the extent of Suggesting to the Government of Switzerland in a Letter Rogatory that the offence committed was not either a fraud or a criminal offence. It was merely a tax avoidance. This is in black and white. Your Government did it.

We are not guilty of having done all these things.

We are not engaging in mendacity when we point out these incidents that are facts that have taken place. It is because of the collective accumulation of the climate that you create in these incidents that in October, 1991 what did you do? You are now in office. Amongst the first things that you did in the case of Bofors is to remove that very good officer-I do not want to take the names of officers who cannot be here-who has been charged by the previous Law Minister. You removed him. In October, 1991 you removed that Officer from the post that he was holding

and for having conducted Bofors inquiries with efficiency and dispatch.

Within months of it, in January, 1992 you removed the next Officer that you appointed there. You are not content with just one removal. You appoint the next one. We are now already in the month of January 1992. At the beginning of February takes place the by now the infamous Conference of Davos in Switzerland. Between the 1st and 6th February, a number of Ministers and officials including the hon. the Prime Minister also go to Davos. It is in Davos that the former Minister of External Affairs hands over this paper etc. to which I will come back in a minute.

Now I come to 17 th February, 1992, that is, the post-Davos Conference. There is a point in what I am saying here. On 17th February 1992 appears in Stockholm a report in the Dagens Nyheter. I made reference to that. I am saddened to make that reference again. It would have been in your interest to have addressed yourself to that report much more purposely. You keep on singing the praise of the former Prime Minister of India and the former leader of your party. Yet to clear his good name it was incumbent on you to have taken that report because in that report was a change by name. You should have acted to clear that report. You do not. A bland innocuous statement is issued. I do not know from which part of the bowels of the Government of India that the Government has instructed the CBI to look into this report. The CBI is constantly looking into it. What fresh looking into it did it bring? It is in this context again I wish to emphasise this because between the 1st and the 6th is Davos. On 17th February 1992 appears the Dagens Nyheter report. In February 1992 after the Dagens Nyheter report, the proposed CBI visit to Switzerland to pursue the case is postponed by you, by your Government, not by any other

[Sh. Jaswant Singh]

Government. Therefore, it does not easily lie in your mouth to continue to tell us that you have been pursuing it vigorously. This is not an account of yester-years or yesterday's battle. I am now talking of February of 1992. It is in February of 1992 that your CBI team was supposed to go to Switzerland. You cancel it after the Minister of External Affairs has been there. You cancel it after the Dagens Nyheter report has appeared. You cancel it despite the Government of India saying that you are going to look into what the Dagens Nyheter has said. Between August 1991 and February 1990 Mr. Gunner Berg, our appointed Attorney in Stockholm continues to ask the Government for advance, continues to ask the Government for instructions. But no purposeful instructions are given. As has been mentioned by the previous speakers, instead of a Joint Director of the CBI you decided to send a DSP of the CBI to go and meet the Public prosecutor of Sweden. Perhaps, the hon. former Prime Minister Shri Chandra Shekhar's advice was really seriously taken there. (Interruptions)

He was an S.P. I will correct it myself. We are informed that between 24th and 26th March, the CBI finally sent two or three letters. I will query you a little later on this. We now come to this very sad and sorry Solanki episode. When I say this I say not with any great delight or joy. I am afraid the hon. Shri Madhavsinh Solanki is a sacrificial victim of this all-pervasive permissiveness that has accumulated over the years in the context of Bofors. This all pervasive permissiveness is really tantamount—I say this with great pain and I do not say it in a lighthearted manner—to almost really selling India, to selling India's fair name. It is to safeguard the interests of virtually proven criminals, of those blackguards who have, for the last six years,

cocked a snook of India and prevented every possible instrument of the State of India. They have made fun and they continue to make fun of the institution of Parliament. I am sorry to have to say so that we have been a party to that in giving them strength. In consequence, these black guards have made fun of the people of India. If you really have the people's interests in mind, please reflect on the seriousness of what you say, when you say, "there is nothing in it, we are mendacious." Because Shri Madhavsinh Solanki had to resign, because of the all-pervasive cynicism to which my leader hon. Shri Lalji Advani referred to in a statement the other day this cynicism has corroded the very vitals of India. that is also a part of contextual relevance of this Bofors debate.

In this sorry episode of Shri Madhavsinh Solanki, there are three aspects and they are very simply and very briefly stated. First is the aspect of this mysterious lawyer. Now it stands self-admitted that his name is not known. Hon. Shri Madhavsinh Solanki says, "I do not know his identity." He is an India. I said this yesterday. I am sorry to have taken the time of the House in repeating it again. How do you say, he is a lawyer? On what basis do you say he is a lawyer? Could he not possibly be a spy? Could he not be an intelligence plant? could he not be a business executive pretending to be a lawyer? Who gave introduction of this so-called lawyer to the Minister of External Affairs of India? Shri Madhavsinh Solanki, when visiting Davos, when on his formal official visit to the Federal Chancellor for Foreign Affairs of the Government of Switzerland, is not going as a private citizen of Gujarat on tourism to that beautiful country or that beautiful town called Berne. He is going not merely your representative. In a very real sense, he represents India.

If he is going as India's representative

and if somebody says "will you meet, X, Y or Z he will give some piece of paper relating to Bofors?" Who was that somebody who gave this introduction to Shri Madhavsinh Solanki? We have a right to know this, And the planned opening statement that the Minister for Defence has given in the beginning makes no mention whatsoever of this mysterious lawyer or who provided him the introduction to our then Minister for External Affairs? Thirdly, it does not suffice. It could not have taken place, it does not take place even with a loudly Member of Parliament like me. If somebody from my constituency writes an introductory letter, I will go through that letter. I will read what is in that letter or attempt to read it, no matter how pressed for time I am. I will sit with that constituent and talk to him, even for two minutes. Therefore, I would like to know, firstly, what conversation took place between the so-called mysterious un-named lawyer or not a lawyer or an India whoever he is? What conversation took place between him and Shri Madhavsinh Solanki? What did he say to Shri Madhavsinh Solanki? What was Shri Madhavsinh Solanki's response? This gentleman, or not a gentleman or whatever, when he gave this piece of paper to Shri Madhavsinh Solanki, what did he say? Here are these five typed sheets. What are these five typed sheets and by whom? I recognise the Government's difficulty. My senior leader Shri Atal Behari Vajpayee rightly said, Where is this memorandum? The Government would be well-advised to release this memorandum to the Parliament first before it gets released in the press. Yet I recognise their difficulty. I share it with them. Please reflect on this deeply humiliating situation for India. Here is a document given by our Minister for External Affairs, under circumstances which I have just explained to the Federal Chancellor for Foreign Affairs of the Government of Switzerland. And our Minister now says, "I have not got a copy of it." With

what face can our Government now go to Switzerland to the Swiss Government and say "Hello! will you send us a copy because we have lost ours?" I urge you to reflect on it. (*Interruptions*)

MR. CHAIRMAN: Order please. You may please continue.

SHRI JASWANT SINGH: Sir, I recognise it because in another sense, as an India, I feel that humiliation. I am also humiliated if the Government of India now goes to the Government of Switzerland and say we have not got a copy or we have lost our copy or because of whatever the former Minister for External Affairs did or did not do, will you please send us a copy of that. It is humiliating. Of course, it is humiliating for them also. But if it is humiliating for them, it is equally humiliating for us also. But they have brought about this humiliation on all of us. And I urge the treasury benches to reflect deeply on it and to take such corrective action, because it is a collective humiliation that has visited all of us. It is not a delight. What delight can possibly be there? How can we be delighted, if as Indians, we are publicly being humiliated and held up to ridicule? And we are held up to ridicule not only on this account; we are held up to ridicule because our name has become synonymous with corruption and we taken it lightly. It really angers and pains us deeply.

Sir, witness for a moment the sequences of events. I find it equally humiliating that in today's newspapers, an official spokesman of the Government of Switzerland says "yes, we received such a document". And he goes on to say that in those documents, there was contained a request for going slow on Bofors investigation or words to that effect. We do not know. We have to rely on what a Swiss official has to say about what we have

[Sh. Jaswant Singh]

given to them. I have made a reference and please reflect again on the dates.

On the 1st of February, this document was reportedly handed over to the Federal Chancellor of Foreign Affairs in Berne or wherever. On 17th of February, the *Dagens Nyheter* report appears in Stockholm and perhaps by the 18th or 19th it is in the public knowledge here in Delhi. On 23rd March, newspaper reports appear and on 24th March, finally at the earliest possible date given by the hon. The *Raksha Mantri*, the Government of India reacts. Between the 1st of February and the 24th of March, virtually eight weeks have passed. Is it the suggestion of the Government of India that the hon. the Minister for External Affairs made no reference to this incident at all at any stage to anyone? I am sorry then because I have no more to say if it indeed is the assertion of the Government that for this seven or eight weeks, the Minister for External Affairs did not refer to it, not even an official memorandum or a note or a minuting. Anyway, I will not persist on this because it speaks for itself. I would like to share some other aspects of the possible consequences and I used this word with some hesitation; though hon. Shri Pawan Kumar Bansal said that it was an unwitting indiscretion. Let me use only the words that he has used and not any harder or harsh words. And even if it was unwitting indiscretion by the Former Minister or External Affairs, please reflect on the consequences of it. I am informed by those that are more knowledgeable that in fact if the funds get unfrozen, certain sections of the Prevention of Corruption Act would become applicable against the Former Minister for External Affairs or aiding or abetting an act of corruption. This is something that the Government ought to reflect on.

Secondly, I again with painsay that

the hon. Minister or External Affairs has mistated facts even in the written statement that was given to both Houses of Parliament. In our House we do not have an opportunity to question or ask for clarifications.

There are two aspects I am referring to here. The first is a reference that is made to Letters Rogatory. Letter Rogatory is a legal document issued on the authority of the Government of India acting on behalf of the Head of the Republic. Implicit in the issuance of the Letter Rogatory is an obligation that all citizens of India have. The then hon. Minister for External Affairs was not unaware of the fact that such Letters Rogatory had been issued to Sweden, to Switzerland and to some others. Despite that knowledge if he nevertheless handed over a memorandum, even if it was unsigned, to the Government of Switzerland, then he has acted in violation of the wishes of the republic of India. There are consequences in that.

Secondly again on the aspect of Letters Rogatory, he has been factually incorrect when in the statement I do not want to take the time of the House in repeating what he has stated he has said that the Ministry of External Affairs has nothing to do with Bofors. I am sorry that he has mistated facts. I would be happy if the Government corrected me on this. In fact Letters Rogatory to foreign governments are not issued without either consultation with the Ministry of External Affairs or are indeed issued by the Ministry itself. I would be happy to be corrected.

I will conclude in minute or two. I have just one or two clarifications to ask of the hon. Defence Minister and then I have five or seven suggestions to make. These clarifications are in two very broad categories. I would not list all of them. They arose principally from what you have stated in

the Parliament now. You said that at various stages I do not take the time of the House in repeating what are those various stages certain parties have every now and then been filing appeals, whether the case is cleared in Zurich or the Cantonal Court of Geneva or wherever, certain parties have been filing appeals. Why are you so coy about these certain parties? Wherever you do know the names, please share them with us. Who are those certain parties who have filed those appeals? I do not want to list all of them because you understand now what I am saying

There are certain recommendations, suggestions, the minimum irreducible steps that I believe the Government ought to take and just a sentence or two and then. I will conclude. I repeat at the cost of being boring, the Government must clear all aspects of this mysterious lawyer-non-lawyer-who gave him the introduction, what conversation took place and this mysterious memorandum not available at the moment

Secondly, it is my view and I put it to the Government that you have to make a distinction between "departmental" and the "ministerial". The hon. Defence Minister has said that departmentally the Central Bureau of Investigations has already moved and has sent certain letters etc. The implication is different. The nuances are different. When the Minister for External Affairs goes and hands over a document, even informally, to his counter-part in any country, then, it does not suffice for the Government to say that since the Central Bureau of Investigation has sent these letters, it is all over. It is my appeal to the Government that a formal communication must go from the Ministry of External Affairs and that must go to say-in whatever polite term you wish to put it, it is upto you-that the Government of India dissociate itself from the contents of that memorandum and that that

was an inadvertent mistake.

Sir, I put it to the Government that this must be done with a sense of urgency and despatch as that the case listed on the 3rd of April in the Cantonal Court in Geneva is not adjourned for want of clear-enough instructions in this regard, from the Government of India.

I would appeal to the Government, Whoever be the other recipients, at least there are two that are now established and confirmed. Two identities are confirmed. One is the then agent for Bofors, Mr. Win Chadha. There are various ways within the law which the Government can do either for his extradition or for attachment of his properties or for so many things. I am afraid and I am led to the conclusion that the Government is not moving with the required sense of urgency or despatch in that case.

There is fair reason to believe that the Hindujas are involved. In fact, their representatives, their lawyers have appeared in appeal against the judgement of the Cantonal Courts of Switzerland, If they are there and if they move about freely-the recipients of official patronage-it sends altogether wrong signals. Please act against these two identified know wrong-doers. Please ensure that there is no unfreezing of the accounts that currently lie frozen in Switzerland.

On more suggestion. Please reopen directly with Bofors the root of persuading, pressuring them. They still have some continued interest with us. Perhaps you can use that instrument with the required dexterity and finesse. You use that again. That certainly lies in the hands of the Ministry of Defence. Please consider reinstating those officers who demonstrated success when it came to looking into the case of Bofors.

[Sh. Jaswant Singh]

Finally as an index of your bona fide, I would put it to you. Please adopt this motion unanimously in this Parliament so that in one unified voice, the voice of this Parliament goes out, not just to the country, but across the world:

"That this House mindful of the deep import of the issues involved, do place on record its solemn resolve of pursuing all aspects of the Bofors Arms purchase and of directing all investigation agencies to complete the tasks with the utmost despatch so that the related facts are made public at the very earliest."

This Nine Point Formula is the minimum irreducible. I appeal to the Government to act on it, act on it for yourselves, for the Government for the state and for restoring the values and rule of law in our land.

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Chairman Sir, the Members of the ruling party and particularly Shri Bansal has asked a question viz what was done by the V.P. Singh Government in its tenure of 11 months? Before answering this question, I would like to ask a question. What would have been the situation today, if whatever was done by the V.P. Singh Government in 11 months would not have been done. You would have been moving here and there with the Joint Parliamentary committee's report.

SHRI SOMNATH CHATTERJEE (Bolspur): It has been bound.

SHRI GEORGE FERNANDES: It is black.

Mr. chairman, Sir, many a conclusion has been drawn on it. I am not going to comment on this report, as a lot of comments have been made in the last few years. The Government should have stuck to those conclusions. The statement given by the hon. Defence Minister here gave all the details about the work being done in Sweden, Switzerland and in the courts of our country. Mr. Speaker, Sir, the Members of the Ruling Party should keep in mind all the work that was done by the V.P. Singh Government. Whenever something is said without thinking, it proves counter-productive sometimes.

I am not going to read the report of JPC in detail, but in the context of this discussion the statement given by the Defence Minister and the resignation of the External Affairs Minister. I would like to read out the conclusion of the Committee. One of its conclusions is—

[English]

"There is no evidence to show that any middle-man was involved in the process of the acquisition of the Bofors gun. There is also no evidence to substantiate the allegation of commissions or bribes having been paid to anyone. Therefore, the question of payments to any Indian or Indian company, whether resident in India or not, does not arise, especially as no evidence to the contrary is forthcoming from any quarter.

[Translation]

It further Says:-

[English]

"Mere suspicion as regards existence

of middlemen and/or payment of commissions does not constitute sufficient ground for initiating action to terminate the contract with Bofors or to raise claims for the reimbursement to Government of payments made by Bofors to the three foreign companies. This is also the view of the Attorney-General of India.

There is no evidence to establish that the Bofors' payment totalling SEK 319.4 million involved a violation of any Indian law.

There is no evidence of any other payment having been made by Bofors for winning the Indian contract."

[*Translation*]

This is your report and even today you stand here with it and say that it is the Bofors' issue. Therefore, I would like to repeat that it is the V.P. Singh Government which enabled you to reach this stage. How? First of all, a 60 page FIR was filed on 22nd of January 1990. As far as possible all the names were given. The information available was also given. On 26th of January, 1990, the Swiss Minister of Justice froze six accounts.....

AN HON. MEMBER: Did he seize them?

SHRI GEORGE FERNANDES: Not seized, but froze them-you can call it anything. But he stopped them from being operated. One account belonged to AE services and three accounts namely Lotus, Tulip and Mont Blanc belonged to Moresco. While freezing them, sixth account was found, about which the Swiss authorities raised some questions. They said that they have detected an account of which there is no mention in our F.I.R. and that the names given by us, do not tally with

the names in their possession. Subsequently, they asked us for some more names, on which they could take action. So, three more names were given and we were not asked about the antecedents of the names and nor do I intend to mention those names here, but three names were given out of which they identified one name and froze that account. The money in these accounts are for higher than the amount that we estimate is involved in the Bofors scandal. Further, this is not limited to Bofors only, it is much beyond that an widespread and the V.P. Singh Government did its best to bring the guilty to book.

Then, in May 1990, the Cantonal Court in Zurich gave its verdict to the effect that the documents pertaining to A.E. services be handed over to the Government of India. An appeal was made against this verdict, on which a decision was taken on November 13, but on November 7, our Government fell. Today we would like to know the contents of the documents, which were handed over to you, as per the verdict of the Swiss Supreme Court. Please tell us why the Government is not ready to place the documents on the Table of the House?

Now, on July 3, the Cantonal Court at Geneva took objections to the fact that there were some technical mistakes in the French translation of the documents, which were originally in English. The mistake was duly rectified and when an appeal on this letter rogatory came before the Supreme Court at Geneva, it passed a verdict which brought into light the name of Shri H.P. Hinduja. Now, the scope of this case extends beyond A.E. services to Moresco and even to Svenska. I need not mention here the names of the account holders for this issue was discussed at length in this august House and the hon. Members are in possession of the relevant information. Moreover, all these records are available in the library and everyone is free to refer

[Sh. George Fernandes]

to them. So, as I said, I don't want to raise this matter once again. However, it is a well known fact that Win Chaddha is the proprietor of the Svenska Company, which has its headquarters in Panama and has three women as its Directors. Regarding these three women, the J.P.C. report States that

[English]

"They are women of no means."

[Translation]

They have no assets.

[English]

So, they are three women of no means

[Translation]

and they themselves have said that except for a post box number, they have nothing.

[English]

They are three women of no means but with a post box number

[Translation]

They receive Rs. 269.1 million kroners, which is equivalent to Rs. 135 crores as Commission or whatever you call it. As per the exchange rates mentioned in today's newspapers, one kroner is equivalent to Rs. 5.30, according to which they get Rs. 135 crores. (Interruptions)

17.00 hrs.

Yes, then it will be more.

Mr. Chairman, Sir, A.E.Services has

got two Directors, whose names I need not mention here, but their capital is one British pound, which is equivalent to Rs. 44/- and the remaining 98 shares belong to a benami company in Hong Kong. A.E. Services received 252.3 million kroners, which in Indian currency amounts to Rs. 126 crores. The third company involved in this is Moresco, about which I made a reference earlier. It has in its account 252.3 million kroners, which again is equivalent to Rs. 126 crores in Indian currency. If we add the entire money involved, it would amount to Rs. 400 crores. Now, in this, I know that the entire amount has not been paid, but it is very difficult to say how much has been paid and how much remains to be paid, because as per the agreement the entire amount was to be paid by 1990. In 1987, this scandal was exposed by the Swedish Radio, followed by Swedish and Indian newspapers. These facts were exposed by those newspapers, which are detested by the Government and which have been accused by the latter of working with the motive of destabilising it. Thus, as per the information at my disposal, Rs. 225 crore, as per the present exchange rate have already been paid and Rs. 125 crore remains to be paid. Please excuse me for calculating the amount as per the existing exchange rates. I am doing so because the money is still lying in Swiss banks and Swedish banks. This matter cannot be resolved in the manner in which we propose to do it. If the Government adopts the policy enunciated by Shri Bansal, then the money that would be brought to India or anywhere else include Rs. 225 crore, which has already been paid and also Rs. 175 crore. Thus, we have the answer for the repeatedly asked questions on the whereabouts of the money. I don't want to say anything more on this subject.

Mr. Chairman, Sir, now that this matter has been taken up for discussion, I am

happy that at the outset of his submission, the hon. Minister of Defence had stated that-

[English]

"In the past few days, several Hon. Members have sought to know the latest position in respect of the investigations in the Bofors case, specially in the context of certain reports which appeared in a Swedish newspaper, in February 1992 and subsequently in our newspapers."

[Translation]

Sir, generally newspaper reports are not allowed to be raised in the House, but I am happy that the hon. Minister of Defence himself began his submission, with a reference to newspaper reports. I am pleased to find that the Government has accepted that newspaper reports too carry weight, contain facts which need to be discussed in the House and which can have far-reaching implications. Therefore, Mr. Chairman, Sir, I would like to specifically mention the name of Mr. Anderson, the correspondent, who despatched this report and congratulate him for once again raising this issue from Sweden. To Shri Bansal's allegations that it is a political conspiracy aimed at destabilising the Government, I would like to state that Shri Anderson is a journalist working for Dagens Nyheter, an influential Swedish daily and I believe that he has nothing personal against the Indian Government or any Indian Political party for that matter. This issue is not only discussed in Sweden, but also widely written about. Perhaps the hon. Members may not be aware that they have come out with a 1,000 page report on this subject, in Swedish language and it is available here. Henry Westender had written this book in the Swedish language a year back and now it has been translated and published

in India. I would like this book to be referred to, while discussing this issue. We would also like the people to read it so that they find answers for some of the questions raised here. Otherwise, this debate would proceed directionless, if facts pertaining to Bofors and other related matters come to light one after another and in the process we too would have difficulty. Therefore, it is my request that when an issue is discussed, some thinking should go into it and answers should be provided to the questions raised here.

Mr. Chairman, Sir, we would like to have some clarifications, some details with regard to certain matters mentioned by the hon. Minister of Defence in his submission. It is clear from his statement that the Government has not taken any action on this issue in the last seven months. In fact end of last year, i.e. August or September, this proposal was sent to the Swiss banks. There after, the Government has refrained from taking any concrete action in that regard. Recently, you had sent one D.S.P. to that place and we won't dismiss this matter lightly because a controversy has been raised about the matters and questions he raised there, the people whom he met there. etc. The Statesman, in its issues dated March 25 and March 26, had frontpaged the contents of the discussions that the D.S.P. had with the Swiss officials and the response he got from them and also the information pertaining to these matters and the developments taking place there in this regard, possessed by Shri C.R. Irani of the same paper. I would specially request the hon. Minister of Defence for he made a reference to newspaper reports to pay his attention towards these newsitems. For then, the gravity of the issue and the steps taken by the Government in the last seven months, which is sought to be explained here in this statement, would become clear to him and the entire House.

[Sh. George Fernandes]

17.08 hrs.

[MR. SPEAKER *in the Chair*]

[*Translation*]

Mr. Speaker, Sir, I would like to draw your attention specially towards the second sentence of the statement. When the decision of the Supreme Court was sent to the officials of Switzerland, then there was no reason for Win Chandha, who should be behind the bars according to Indian laws, to intervene in the case and play the tricks to kill the time by misusing the laws and courts of our country in several ways...

SHRI NITISH KUMAR(Barh): Mr. Speaker, Sir, Shri Kalp Nath Rai is sleeping...(*Interruptions*)

[*English*]

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, you put some energy into the Energy Minister.

MR. SPEAKER: He is contemplating that.

SHRI SOMNATH CHATTERJEE: But whether he will be able to do that.

[*Translation*]

SHRI GEORGE FERNANDES: I would like to know from the Minister of Defence as to what was the need of sending this document to the officials of Switzerland on behalf of the Government? What did you want to convey? You have stated in it that you have told them to pursue the case seriously. But why don't you accept that the Government has never said so. S.P., D.S.P. of our C.B.I. say to the Minister of Law, the Attorney General and all other

officials of Sweden that they seriously want to proceed with this case. But the Government had not been sitting silence during these seven months. By sending Win Chaddha's petition you want to convey that you too do not have any objection if mater progresses slowly and reaches no conclusive end. I want that all the facts in this regard should be placed before the House. As far as I understand, their intention is not good. Foreign Minister's resignation is its final proof. I would like to know from the Prime Minister whether he really want us to believe his former Foreign Minister, whom his Minister of Defence still calls Foreign Minister although he has resigned.

[*English*]

He says: "The hon. Members are aware of the statement made by the External Affairs Minister. The External Affairs Minister has already tendered. I thought his resignation-his personal explanation in the matter and expressed his regret to the House."

THE MINISTER OF DEFENCE (SHRI SHARAD PAWAR): That was before.

SHRI GEORGE FERNANDES: This is the statement of today.

[*Translation*]

I would like to know from the Prime Minister whether he really believes that the persons, in whom he confided, made him Foreign Minister to make the Indian policies known to the World, and who was his trusted senior colleague, goes to Dowas and meets Switzerland's Foreign Minister just before that somebody gives him a letter to hand it over to Switzerland's Foreign Minister. He does the same and comes back. Do you really believe this story? I doubt it. I do not believe that our former Foreign Minister handover the note given

by an advocate to the Foreign Minister of Switzerland and he does not know who the advocate was. I would like to request the Defence Minister to ask the Foreign Minister whether his name was Jaiwala. Perhaps he may remember the name, as he had said that he had forgotten the name.

SHRI SHARAD PAWAR: He was not.

SHRI GEORGE FERNANDES: You said that he was not. But you can order an enquiry...*(interruptions)* ...Jaiwala is Hinduja's Lawyer.

[*English*]

SHRI AMAL DATTA: He is also a lawyer of the Government of India who has now sued the Government of India for more than a crore of rupees which the Government of India owes him.

[*Translation*]

SHRI GEORGE FERNANDES: We have understood something more with this additional information. I don't think that we should take this case of handing over a note to Switzerland Government lightly. Whenever we travel by International Airlines and even domestic flights we are asked:

[*English*]

Have you checked your baggage? Is this your own baggage? Have you checked it yourself?

[*Translation*]

All this asked. The Foreign Minister is handed over a letter but he does not know who gave him the letter and for what purpose. We cannot accept it here in the House. It is very difficult to believe. So I request the Prime Minister specially to

immediately get this letter back from Switzerland Government and authenticate it immediately. They are also authenticating it. Otherwise any other lawyer can come into the picture try to send his own. So to avoid any such eventuality the Prime Minister should order his secretariat to get it back from Switzerland Government till the debate is completed. It can be received back before the completion of the debate and all of us can know the facts. So this document should be brought here to remove out apprehensions and also the question mark on the Government's intention. Mr. Speaker, Sir, first of all, I would like to refer to the name of Shri Madhvan who was investigating into this case. Why did you remove Madhvan? While he was on leave and you withdrew this case from him and there was no new posting for him. You handed over the case to a person about whom I would not like to say any thing but Shri Amal Datta has said just now that.

[*English*]

Official undertaker of all the investigations.

[*Translation*]

It means he works to bury the investigation. Why did you withdraw this case from Madhvan? I request that Shri Madhvan should again be given the responsibility to carry on the investigations and Government act in accordance with the opinion of the House. I would like to make one more request to the Prime Minister. The Government is killing time by way of initiating legal proceeding in all the courts. It is right that Indian constitution provides you this chance. This case is pending in Supreme Court, high court and even in lower courts. Government's lawyers are just killing the time in all these courts and filing petitions after petitions. You are wasting the money

[Sh. George Fernandes]

for one who is out of India and also wasting the courts time. You are creating hurdles in finding the solution to the real issue. Therefore, I would like to request that the Government should take the decision to dispose off all the suits which have been lying pending in various courts of India or the Government should move to the Supreme Court for all these pending cases.

I would like to urge one more thing. This issue published by Irani Sahib in "Statesman" as a report does not uphold the prestige of India Government. He has mentioned the names of the high officials of the Switzerland and you also know the names of some of them. One of them said that the officers and political leaders of India telephone them, send messages that the Government of India cannot officially request them to blow down the investigation totally to stop them but fact government favoured it.

This discussion has been started on the basis of newspaper reports. Whatever has been published in newspapers, you should understand the sense of it. You attach authenticity to the news published in foreign newspapers but you ignore the Indian newspapers. If it appears in foreign newspapers, You would consider it a very serious matter but when it appears in Indian newspapers, you would take it as useless and false. The reports say that the Swedish officials who have received such telephone calls from Indian side have recorded it with names of the persons time and date and so all this information is fully recorded. If this matter is raised again in the world press, then it would not be in the interests of this country. Therefore, I would like to state that you should take some concrete decisions in this respect.

Mr. Speaker, Sir, I have put forth some of our demands. I would like to put other 2-3 concrete points before the Prime Minister. Since I have given a resolution under Rule 184 and it is before you. You have allowed me to move it after the debate is over. You know the subject matter of the resolution...

MR. SPEAKER: I have not said anything in this regard, you yourself are saying it...

[English]

SHRI GEORGE FERNANDES: " Having discussed all aspects of the matter pertaining to the Bofors weapons deal, this House hereby resolves that the Government should take immediate steps to see that all proceedings currently pending before the Swiss authorities or courts are pursued expeditiously and with vigour in order to establish the truth and find out the names of the recipients of the bribes. This House further resolves that the Prime Minister send a message to the Swiss Government to the effect that any other messages or communications..."

[Translation]

And this matter is not limited to the documents handed over to the Swiss authorities by the former Foreign Minister. I want to draw the attention towards the various types of telephone messages being sent by different authorities to the Swedish Officials. For example, our Joint Secretary in the Ministry of External Affairs had said to the Ambassador of Sweden:-

[English]

"The time has come now to forget about Bofors".

[Translation]

I would not like to reveal his name or his initials. He is Khosla. Then a formal note was sent to the Swedish Government by the Indian Ambassador which was published in newspapers. This note initiated a discussion on the topic and took a place in radio news. As per news, Swedish authorities state that...

[English]

"We are getting two distinct signals from India".

[Translation]

One signal says to stop the investigation while the other says to carry on the investigation. The first one is unofficial directive and the other one is official. In the circumstances, we would like that a resolution be passed in the House that

[English]

All messages or communications that may have been received by them should be ignored."

[Translation]

As Shri Jaswant Singh has pointed out, that there was a discussion with the hon. Minister in the presence of several Ministers; at that times we were also discussion when this issue was raised whether such a resolution may be moved here for adoption or not we had accepted that if the Hon. Prime Minister takes the responsibility for sending this message to this effect we would not insist on passing this resolution here in this House. I am of the opinion that the Prime Minister's words are like the resolution for us. If the Prime Minister gives a clearcut assurance here in this regard and the intimation to this effect may be

sent to the Swiss Government also, we would not insist on bringing the resolution. If the intimation is not sent to Swiss Government immediately, the matter would remain pending for six months in the Swiss Court and it will create a problem for the Government.

Mr. Speaker, Sir, I would like to give a few information or suggestions. Firstly, all the existing industries relating to Hinduja whose name have repeatedly been mentioned here and according to the Swiss Supreme Court, who is involved in this case, should be banned immediately and he should be black listed. Secondly Government should answer all the charges which have been imposed on the Government of India by Hegans Neigheater since these points have not been discussed in this House. He has written not only against your party but also against your former leader. He has written not only one article but also has written three articles regarding delay in Bofors case investigation and you should have to counter each and every allegation levelled by the Hegans. You should reply to the country as well as to the newspapers because it is not only published in Swedish language but also in Hindi, English and other languages. As a result of it the Bofors issue is known to the general public of India. Whatever you speak in the House in this regard will not serve the purpose. You should have to give specific reply to the specific allegation made against the Government or the functioning of the Government which has appeared in the "Statesman" of 25th and 26th March.

Mr. Speaker, Sir, with these words, I would expect from the hon. Prime Minister that he would give an assurance to the House that he would not allow further negligence in this regard because this investigation was started by V.P. Singh Government and 14.16 months have passed without any result due to very slow progress in

[Sh. George Fernandes]

or putting pressure to slow down the investigation work. In this process, you have lost your Foreign Minister; but you will not create such situation as more of your Ministers may have to go and you will try to salvage the prestige of the country. I hope you will give such an assurance to the House in this respect so that the image of the country is not farmished. With these words, I conclude.

[English]

SHRI MANI SHANKAR AIYAR (Mayiladuturai): Mr. Speaker, Sir, I am grateful to the Opposition for the worm welcome that it has given me as I rise from my seat.

I would like to begin by saying that I felt the opening speaker, Shri Amal Datta, asked an extremely relevant question at the start of his intervention. He said that he had been sitting in this Chamber listening to the debates about Bofors since April 1987, and he asked, in the last five years how far have we progressed?

I would like to give an answer to that question. It would have been logical for me to begin by explaining how far the matter was progressed under the previous Congress Government; the Congress Government of Shri Rajiv Gandhi. But, instead of doing that, let me first, through you, tell Shri Amal Datta what we achieved under the Government of Shri V.P. Singh because there is no doubt at all that some progress was registered in this matter under the leadership of Shri Vishwanath Pratap Singh. First, in January, 1990, Shri V.P. Singh's Government succeeded in filing a substantive FIR on this subject. Second, Shri V.P. Singh's Government sent Letters Rogatory which resulted in the freezing of certain accounts. Thirdly, I regret, I am

unable to tell what was the third achievement because apart from filing a FIR and securing the freezing of certain accounts, the entire matter was stalled because the letters Rogatory that were filled by the Shri V.P. Singh Government were found by the Cantonal Court of Geneva to contain certain deficiencies.

If Shri V.P. Singh's Government had acted with as great efficiency as it acted with despatch, perhaps we would have had letters Rogatory filed that were not full of deficiencies. If those officers about whom we have heard such high words of praise had the least capacity to know how to handle delicate matters of law and delicate matters of diplomacy, they would not have filed Letters Rogatory, whose deficiencies were responsible for stalling further progress in the matter after the accounts were frozen. Government that drafted the letters rogatory. I agree entirely with Shri Jaswant Singh that a letter rogatory is an extremely important document. They are filed after due legal process by the Government of India on behalf of and in the name of no less a personage than the Head of the State. What kind of letters rogatory did they present? They presented letters rogatory in which there were erasures, in which there were additions made. They went to the extent, these extraordinarily competent officers about whom we have heard, they went to the extent of putting emendations into the letters rogatory in pencil, not even in pen.

It was not Shri V. P. Singh's Government that went in appeal against those letters rogatory. It was certain individuals who were clearly not favourite boys of the Government of that time succeeded in establishing in a court of law abroad, that documents described by Shri Jaswant Singh as binding the honour of India, were written so incompetently that they could not

be sustained. And that is why the matter got stalled during the course of 1990.

What did we want? What is it we wanted in regard to this case? We wanted to proceed, between 1987 and 1989 on understanding the complications of this matter, understanding how complicated legal procedure are in Governments abroad and particularly legal procedures in a tax haaven, a money haaven a black money haaven, a smugglers money haaven and a mafia money haaven like Switzerland. Knowing how difficult it was, we were proceeding cautiously in the matter. However, the manner in which the Government of India conducted itself in regard to the Bofors case between April, 1987 and November, 1989 failed - I wish to stress this failed - to carry conviction with a very large segment of the Indian population, the consequence of which was the Congress Government fell in November, 1989 and Shri V. P. Shing's Government came to power at the beginning of December, 1989. And within three weeks of Mr. V. P. Singh becoming the Prime Minister of India, there was a debate in this House which included *inter alia* the question of what was to be done about Bofors. The Leader of the Opposition at that time - his name was Shri Rajiv Gandhi - Stated here on the floor of the House that he wished to see that the Government of Shri V. P. Singh achieved this. This was a Leader of the Opposition, standing accused as a possible recipient, directly or indirectly, of the money that has been paid by Bofors, standing up in this House virtually at the very point where today I think Advaniji is sitting. He stood there and he said to Mr. V. P. Singh, who on that day was sitting at the point where Shri Narasimha Rao Ji is sitting today, and said I am quoting from columns 408 and 409 of the proceeding of the Lok Sabha on the 28th of December, 1989:

"We would like you to find the people

who have taken the money."

Whatever may have been the position of the Congress Government when it was in government, transformed, if you wish, into the position stated on the floor of the House. When we were the accused, we had no power. We were the losers in elections. We stood hostage to the political will which you had secured, the political support you had secured on the basis of allegations against the Congress."

That leader said:

"We would like you to find the people who have taken the money."

And then he gave the reason why: He said:

"...because we know that when you find the people, all the accusations that you have made all these years will turn out to be false."

It was a challenge thrown by the Congress Party in Opposition, to a National Front Government supported by the Communists as well as the BJP. To them he said that you have come to power on the promise that you will find out who the recipients of Bofors are. But did you find it?

Perhaps this was just an electoral rhetoric. But Shri V. P. Singh was reported in several of the newspapers that my friend Shri George Fernandes loves to quote as the fount of truth. He was quoted in those Papers as saying in some places that he would find the truth about the Bofors recipients in thirty days; in some other places, as having been in a position to find it out within fifteen days; and in one case, that he already had the names of the recipients in his pocket. And faced with this, the Leader of the Opposition says: "Please tell me what is the information you have.

[Sh. Mani Shankar Aiyar]

Please let us know who are the people who have taken the money."

Instead of following the request made by Shri Rajiv Gandhi, Shri V. P. Singh's Government produced Letter Rogatory that were so deficient that the fair name of India, the fair name of Shri Jaswant Singh, our resident 'Uriah Heep, the fair fair, name of the Head of our State, stood completely blackened because the court of appeal in Geneva held that this country, this great India, with a civilisation of 5,000 years behind it, did not know even how to prepare Letters Rogatory to be submitted in a court of law.

Sir, there is one major difference between the Members of Opposition and those of us here on the Treasury Benches. It relates to the credibility of one individual. That individual is dead. He was my friend. I mourn his death. But I feel that Rajivji will have to be either vindicated or held guilty at the bar of history. There was a statement he made here in this House on the 6th of August, 1987. It is at column 485 of the Lok Sabha records for that day. It is a statement which I know you do not believe. The man is dead. But we believe that. He said: "I categorically declare in this, the highest forum of democracy, that neither I nor any members of my family have received any consideration in these transactions.

"That," said Rajivji, "is the truth."

I believe that to be the truth. I know that Members of the Opposition harbour a suspicion that that may not be the truth. Rajivji's name - now that he is no longer among us - will be cleared only on that day when it is established conclusively whether on the 6th of August, 1987 he was telling

the truth in this House or whether he was lying.

How will we find the answer? The only way we can find the answer to that is to pursue - as best as ordinary mortals like us can pursue - this investigation to its logical culmination, to its conclusion, but bearing in mind that we are not going to discover the truth by quoting approvingly a newspaper - *Dagens Nyheter*, - as Shri George Fernandes did - which, in a court of law abroad has confessed that it was lying. This is the same newspaper that, in a London court, said that it was lying and said furthermore that it was lying because it had been mis-informed precisely by the same officers whose praise we have heard at such great length.

I am not willing to place the honour of my country or the reputation of my party or the integrity of my former leader Shri Rajiv Gandhi the man who will remain my leader through my life whether he is alive or not - to be determined by a yellow journal with a large circulation in some western country, which is primarily known for its pornography. I insist that we discover through the due process of law, through all the means the diplomacy has given us, who has taken that money.

The Information that we have received so far, as a result of the investigations that have taken place is that Bofors have paid out very large sums of money to people whom we would have thought there was no need for them to pay. We know the name definitively of one of the beneficiaries and that is A. E. Services located in Zurich in a bank called Nordfinanz Bank. We do not know anything more about it. The only ones who can tell us what happened to that money, where did it go are the Swiss. Which is the Government that, after coming to power

here, had asked the Swise to please continue their investigations so as to find out what happened to the money that went into the Nordfinanz Bank account of A. E. Services? That Government certainly is our Government. That Prime Minister is Shri Narasimha Rao. That is the Government whose Foreign Minister was Shri Madhavsinh Solanki. He has had to pay a price because he committed an impropriety. The price that he has paid is that he has resigned his office and placed his political future in jeopardy. I regard that as an act in keeping with the highest traditions of our democracy and I refuse to shed crocodile tears with these people who till yesterday were baying for his blood and now that they have it are pretending that they are deeply upset at the poor fate of Poor Shri Madhavsinh Solanki.

Shri Madhavsinh Solanki has risen from the ashes again and again in his political career. It was almost exactly today, that seven years ago he ceased to be the Chief Minister of Gujarat after having taken his party to the biggest victory that the Congress have ever registered in Gujarat. He rose from that. I am certain he will rise again. But, in the meanwhile, it is in keeping with the highest traditions of democracy that he paid a price, that our Government paid a price. As somebody correctly pointed out- I think it was Shri George Fernandes- we sacrificed a Minister. Shri V. P. Singh sacrificed his entire Government.

We now have to see what this Government has been doing. It has maintained exactly same F. I. R. that the V. P. Singh Government filed. It has succeeded in going in appeal against the decision of Mr. Lars Ringberg and asked them on the 2nd March, to please continue with the investigations in Sweden. A great conspiracy was sought to be made out by Shri Jaswant Singh about the fact that some officials'

trip to Sweden was postponed by a few weeks. He failed to inform this House and since he is such an authority on this issue, I don't believe the failure to do so was a mistake on his part, I believe it was a deliberate attempt to mislead us, he failed to inform us that the reason why it was not necessary to send an official to Sweden was that the Government of India had decided to go in appeal against the Swedish decision to stop further investigation. We filed that appeal according to the Defence Minister's statement on the 2nd of March, it is another matter this was rejected by the Swedes on the 10th of March. We are persisting.

It was Mr. V. P. Singh and his friends when they were in the Opposition - I am talking of the period 1987-89 - who kept asking that the Swedish National Audit Bureau's entire Report must be brought here. It was Rajivji who said. 'I cannot force the Swedes to give me something which is classified. It will go against the norms of international relations and international behaviour to place on the Table of the House for purely populist reasons such as winning an election, a confidential document received in confidence from a foreign government.' Shri V. P. Singh's Government secured that document. In May 1990 it was one of the major achievements of Shri V. P. Singh's Government that they got the document, the secret classified portion, and then they said that they would place it on the Table of the House. They could not. Why? Because the Swedes turned round to us and said 'If you are going to break international law, if you are going to break the norms of international behaviour' then if I might put it in the kind of language that 'Shri George Fernandes likes, 'we will take your pants off'.

It is because we had the experience, Sir. I am a diplomat of close on 26 years' standing. Mr. V. P. Singh has travelled to

[Sh. Mani Shankar Aiyar]

Punta del Esta or somewhere, but in my life-time I have been dealing as a very junior official and then finally as the Counsel-General of India in Karachi, with foreign governments for most of my life and I know how extremely difficult it is to persuade a foreign government to act. It is because I knew this that I placed my trust in two things. Firstly, in the integrity of Shri Rajiv Gandhi that he would not to tell as lie on the 6th of August 1987 on the floor of this House, and secondly, I placed my faith in his competence. He was slowly and steadily taking is where we have to get to.

But unfortunately, Mr. V. P. Singh has not even heard the story of hare and the tortoise. His hare ran fast and failed to get anywhere. Our tortoise is moving slowly. It is going to take time to unravel crimes some of which may have had to do with the specific 155 mm Howitzer deal and some of which may have nothing to do with it, I do not know, But I am not interested in scandal, I am not interested in throwing mud in the face of a cospse, I am not interested in birmirching the reputation of a martyr to India, I am interested in the truth, I am interested in the truth that Rajiv Gandhi asked for, I am interested in Mr. V. P. Singh and all his coharts stopping this dirty game of throwing mud on the face of a good man. Thank you.

SHRI SRIKANTA JENA: But you did not clarify about Mr. Chandulal Chandrakar's statement. The Congress spokesman, Shri Chandulal Chandrakar said that the Bofors inquiry should be stopped. (*Interruptions*). That was the Congress spokesman Shri Chandulal Chandrakar who said that. (*Interruptions*).

Mr. Chandrakar, you said on behalf of the Congress Party that this investigation

should be stopped. (*Interruptions*). Why don't you clarify Shri Chandulal Chandrakar's stand?

SHRI BASU DEB ACHARIA : What you said, you clarify.

SHRI SRIKANTA JENA: Why don't you clarify it?

MR. SPEAKER: Mr. Jena, you can't talk like this in the House. I have ten names with me. Now it is about to be six o'Clock. For how much time you are expected to sit here?

SHRI SRIKANTA JENA: Tomorrow we will sit. (*Interruptions*)

MR. SPEAKER: No. Don't say these things so very lightly. The Human Resources Ministry's Demands are there.

(*Interruptions*)

MR. SPEAKER: Mr. Jena, this is very unfair on your party. Now, let us decide that for one-and-half hours we sit and then we dispose it of. Please bear this in mind while making your speeches. Now, Shri Somnath Chatterjee.

(*Interruptions*)

MR. SPEAKER: O. Kay. Upto Eight o'Clock we will sit.

SHRI SOMNATH CHATERJEE (Bolpur): Mr. Speaker, Sir, as many of the factual aspects have already been dwelt upon and dealt with, I do not wish to cover them again. We just now heard a peroration of a former foreign service official who commended the speed with which the Congress Government has been pursuing the investigation into, probably, the biggest scandal of the century, so far as this country is concerned. He reberred to the speed

of tortoise to the Congress Government's so-called efforts to find out the truth. Out of nearly 60 months since this information has come to this country, except for 11 months when Mr. V. P. Singh was in power, the Congress Government either directly or indirectly has been in power.

Sir, the Defence Minister is, probably, another sacrificial goat and today he is the defenceless Defence Minister. In his lengthy statement, very significantly he has not stated one word as to what this Government, since last June, has done for the solution of the question of unearthing the names of the recipients of the money. Nothing has been said in it. A passing reference has been made in the opening statement, which was permitted, I believe, on the expectation that many of the issues which are troubling us and the country, will be removed, to the most important document. Everybody in the whole of this country is concerned about that precious document. What were the contents of that document? One cannot run away from the position, one cannot expect the External Affairs Minister to have allowed a smuggler to smuggle in a document. He has consciously taken it. I would like to ask a question to the hon. Prime Minister. Is the Prime Minister or the Government not interested or curious to know as to what was the document that was given to the Swiss authorities? Are the affairs of the Government of India to be conducted in a manner that we shall continue to remain totally innocent of the contents of a document which was solemnly made over by the then Minister of External Affairs to his counterpart in another independent country? When did he come to know of this document? What steps has he taken since then to find out the contents of this document? What steps has he taken as the Head of the Government? The prestige of the Government and the prestige of the country also depend as to how the Government reacts

to this. Merely saying that he has made a mistake, he has committed an impropriety, will not do. We are not for the blood Mr. Solanki, he has gone not because of our fault, he has gone for his own indiscretion and for his own impropriety. The question is, has the present Government any sense of shame or responsibility in this matter? What steps have been taken for the purpose of ascertaining the contents of the document? What is the good of saying that the Swiss Government has been informed not to act upon it? We do not know. Has the Government sent any information there to Switzerland, not to act upon the document, without knowing what the document is? What is purports to say? The naivety would have had a limit. Solemnly we are hearing lectures from the other side as if we are committing the crime, when it is admitted by the whole country, by everybody that money, in fact, changed hands. Huge sums of money were paid - paid for what purpose?

Initially, Sir, we were told by the then Leader of the Opposition's statement that when he was the Prime Minister - he said - probably these were winding up charges. I am not going into that because that has become old history. It was never admitted until it was forced on the then Congress Government to accept, that there were, in fact, payments. Then the Operation Cover-up started. Somehow the cover-up suppressed the name of the recipients. Sir, conspiracy of the higher order at the highest level was done. That is why, every effort was made by the previous Congress Government and even during Mr. Chandrashekhar's regime to somehow suppress the disclosure of the relevant facts and consciously attempts were made not only to slow down the investigation but to scuttle the investigation altogether. Therefore, the spokesman of the Congress Party-I believe Mr. Chandulal Chandrakar has not yet been removed after Prof. C.P. Thakur-

[Sh. Somnath Chatterjee]

has said that the Bofors enquiry should be stopped should be closed. Why? He said, it should be closed down and no further necessity of any enquiry. Now we are given lectures about the Congress Party's morality and stand on the issue. There is no contradiction. At least you have not been removed; Prof. C.P. Thakur has been removed for one improper statement, according to the Prime Minister.

I would like to know with all humility from the hon. Prime Minister; do you not think that the credibility of the country's Government functioning has been put under question; that the External Affairs Minister of this country can carry document, act as courier, Or shall we accept that our External Affairs Ministers are in the habit of carrying document as was the charge also made out on an earlier occasion. How would the Governments of different countries in the world accept the statements or documents handed over by the Minister of External Affairs in future - authorised document, unauthorised document. How would they accept the statement made by the Foreign Minister - authorised statement or unauthorised statement or given at the prompting of some unnamed lawyer?

Now, this is the situation where this country has come to. Not one word has been said by any hon. Member from the Congress benches. There is nothing in the statement of the Defence Minister which he made in the beginning. How our Government, our hon. Prime Minister is going to restore the credibility of this Government before the world at large?

These are matters which cannot be wished away. Serious situation has been created by reason of the activities of one of the senior Ministers. It was not an isolated incident of Mr. Solanki. He is a nice

man. We have no animosity towards him. He is a perfect gentleman. I wish him well. I hope he will go back to Gujarat and get back to his position which he wants to.

The question is not only an incident of the External Affairs Minister in a given situation doing some thing which should not have been done but sir, it is related to Bofors. That makes it all the more suspicions, all the more important. The Government should be extra cautious, extra alert and extra vigilant to find out how did it happen and who was responsible for it.

Yesterday we raised a question. I can understand a day before that he did not know the lawyer. There are many inconspicuous lawyers or lawyer's name may be utilised but who brought that lawyer to Mr. Madhavsingh Solanki? He could not have come to him on his own saying "I am so and so lawyer. I am giving you a document. You carry it and give it to your counterpart, to the Foreign Minister there." Therefore, he must have been approached by somebody whom he knew well. Obviously, Mr. Madhavsingh Solanki has been requested by somebody whom he knew well or knew, and at his request he has carried that letter given by a lawyer. At least, he had a peep into it. Obviously, he had looked into it because he said it is related to Bofors. How does he know that it is related to Bofors? He had seen it.

What document the Government of India unofficially could be interested to pass over to the Swiss Government except for the purpose of trying to see that what they openly officially cannot do, they are trying to do it unofficially? Precisely, that was being done. That is why, we find that in 49 months, they had adopted the speed of tortoise. Even this tortoise has gone to sleep. As the tortoise you cannot move and the only time any movement we had seen, movement in the right direction, was

during we had seen, movement in the right direction, was during the short period of Mr. Vishwanatha Pratap Singh's Government.

Kindly see the statement of Mr. Sharad Pawar. I do not know again who has prepared it, which lawyer. I hope he know the lawyer's name ! He has referred to an important event of the Swiss authorities pressing the Swiss bank account. That was in January, 1990 during Mr. Vishwanatha Pratap Singh's time.

Kindly see paragraph 5 of your statement.

"CBI moved the Swiss authorities for further investigation to ascertain the particulars of the beneficiaries of this account."

When, how, what is the progress made? At what stage is it? Nothing is being said.

Kindly see similarly with regard to Geneva. Similarly, the CBI has been pursuing the matter through the Swiss Federal Court of Justice and Police and our Embassy in Berne and the CBI Counsel, to expedite the pending appeal. What is the position, we do not know.

Again, operation cover up is still in full swing. I do not know. Shri Sharad Pawar was never here in this matter. Why have you stuck your neck?

Then so far as Indian courts are concerned, there is no bar. All the bars have been removed in spite of obviously motivated judicial proceedings which were initiated, as has been rightly pointed out by Shri Jaswant Singhji. The counsel for the Government of India was the counsel for those petitioners who want to scuttle these matters. It is almost an open conspiracy

going on, an open collaboration going on, between the Government and those who are charged with this offence.

AN HON. MEMBER: They are attending official parties in Embassies.

SHRI SOME NATH CHATTERJEE: So, far as the communication from the CBI to the Swiss Federal Department of Justice of March, 1992 is concerned, I would like to know at what level these communications have been sent. Why no Officer has been sent? It is correct, as our information is, that unless some decision is taken by the Government of India which is duly communicated to the Swiss authorities by 3rd of April, that is day after tomorrow, again the matter will be postponed indefinitely? Is it correct? If my information is not correct, I would expect the Government to clarify and correct me.

It is apprehended that on the 3rd April, if no proper steps are taken by the Government of India, then those accounts which are frozen will again be available for operation. It will be unfrozen. It would be free again. Therefore, who will benefit by this? It is those who have unlawfully kept those monies there. These are the very serious situations which is have been created by the present Government. I charge that this Government has no intention to find out the truth. It is dilly-dallying over the matter. Not a single fact has been disclosed. This extraordinary situation has been created. A person of the standing of the Minister of External Affairs utilised it to scuttle it. He has admitted that he knew nothing; his Ministry was not concerned with this Bofors enquiry. Even then he was making representations to the Swiss Minister. I asked on that day on the floor of the House what did he tell him when he handed over the document; what did he tell the Swiss Foreign Minister? Did he tell like "Here, I have got a piece of paper, please keep it

[Sh. Somnath Chatterjee]

[Translation]

with you". He must have said something about the Bofors case. What did he say? Is the Prime Minister not curious enough to know what the Minister of External Affairs said to his counterpart there when he handed over that document?

(Interruptions)

Therefore, this is not a matter which can be characterised that we are indulging in a dirty game, as Shri Mani Shankar Aiyar has said. I do not either discourage loyalty and I do not criticise anybody who has loyalty. Therefore, naturally he will display his loyalties. I admire him for that. But let us not for the sake of loyalty compromise the country's interests. We are not making allegation against anybody, any 'A', 'B' or 'C' except those names, those people whose names have already come out, the others who are responsible for that. I am not saying about any 'X', 'Y', 'Z', I am not going to take that irresponsible attitude. But the question is that when this country is carrying on with this investigation, I take it that the Government is serious in wanting to know the names of the recipients. Otherwise, the investigation need not be carried out. The question is; Is it properly done? Is it done with sincerity and seriousness and the speed which is required in this matter? There is nothing of that sort. This is our main charge. We heard from the spokesman of the Congress that it should be closed. (Interruptions)

SHRI CHANDULAL CHANDRAKAR (Durg): I have to make a clarification. Most probably, these gentlemen who have been saying so, have not carefully gone through what I said. The first thing is this. While answering to a question of the journalists, I said that if it is so, it can be done. Most probably, they have not understood the word if. (Interruptions)

SHRI SOMNATH CHATTERJEE: Please speak in Hindi, I do not follow English.

(Interruptions)

SHRI CHANDULAL CHANDRAKAR: I know you understand English, you are an expert in English, I did not react when those three people raised the point in the beginning. I thought that at last you would be serious enough to see. Things in the right perspective I had used the word "if", and if you don't remember, you may have a look at the newspaper. (Interruptions)

[English]

SHRI CHITTA BASU (Barasat): With your permission, may I draw your attention to what he has said?

MR. SPEAKER: I am not going to allow that.

(Interruptions)

MR. SPEAKER: The time is very short and limited. Many Members have to speak.

(Interruptions)

SHRI SOMNATH CHATTERJEE: I have not understood - according to him - the meaning of word 'if'. I hope you will give him time to explain. I believe that Shri Chitta Basu has got that document. Therefore, what we are saying is this. We find that when such signals are being sent, the CBI investigating officer has been changed more than once. The persons who are looking after this issue, when they are carrying on the investigation, have made considerable progress, achieved something, made a breakthrough, they have been removed. Nothing is being done. We are

not told; people are not told; the Parliament is not told what progress has been made since this Government has come into power in June 1991. We do not know anything. Over and above this, there is the extraordinary situation. I must congratulate our Press and apart from the Swedish Press, our Press has brought out these facts. Investigation has been made by important journalists of the *Statesman*, the *Indian Express* and others. They have made efforts to find out the truth. If it is not true, let them prove that instead of criticising and abusing persons, journalists, newspapers and Members of Parliament. Why do they not do it? If in eleven months Shri V. P. Singh's Government could do these things, we would like to know what they have done in 49 months. Therefore, our concern is that this Government has not got a political will to ascertain the truth. They are not interested in knowing the truth. They have almost, it seems, had a serious apprehension that it may divulge names, which they cannot afford to divulge. Therefore, the Government owes it to the country as a whole to clarify as to what steps are being taken, what has happened to this document, who was this lawyer, who was his patron with whom the Minister of External Affairs had contacts? What steps the Government is talking day to day, we would like to know, since it has assumed power for the purpose of carrying out this investigation?

SHRI K. P. SINGH DEO (Dhenkanal):
Mr. Speaker, Sir, I, first of all, like to thank the *Raksha Mantri* for his very detailed and graphic statement which would be of immense help to us in this discussion, which has been raised to raise a discussion on the latest position with respect to Bofors gun deal investigation.

After hearing the thundering speeches of the stalwarts, legal luminaries and heavy-weights of the opposition who have shed

very little light' on the facts excepting repeating what has been going on for the last five years, I would like to compliment, in this context, the CBI who have done a commendable job in spite of the impediments which my hon. friends from the opposition have been enunciating and illustrating and in spite of the fact that so many of their so-called top officials have been transferred and undertakers and caretakers have been inserted into that organisation.

I remembers right from 1961, the CBI has been doing a commendable job in unearthing corruptions in public lie. Hon. Shri Surendra Nath Dwivedi who is now the hon. Governor, Shri Lokanath Mishra, who was the hon. Member of Rajya Sabha and is a Governor also, Shri Hari Vishnu Kamath, who was a distinguished Member of this House and Shri P. K. Dev who, on the basis of the CBI report on corruption, in my own home State of Orissa, saw to the beheading of one of the stalwarts who was the Chief Minister in that year and who happened to be the Chief Minister today. CBI has been doing a commendable job and the hon. *Raksha Mantri* has given us in his statement how doggedly it has been following from the 8th November, 1988. My hon. friend Shri George Fernandes, Shri Srikanta Jena - who is smiling - Shri Somnath Chatterjee and even my very good soldier friend Major Jaswant Singh were vexing eloquent and also the former Prime Minister Shri Vishwanath Pratap Singh that in four days time they could get information out of the Swiss authorities which the late Shri Rajiv Gandhi's Government was unable to get anything.

As Shri Amal Datta said...(Interruptions) Will you please allow me to speak? You were not in this House at that time when this issue was raised in Parliament in 1987. I am really shocked at Shri Amal Datta's opening statement. Shri

[Sh. K.P. Singh Deo]

Amal Datta said that that was the first time he heard about the Bofors in April 1987. His distinguished predecessor from Diamond Harbour, late Capt. Jyotirmaya Basu, with great distinction has used the Bofors gun, as an Air Defence Artillery Officer in the 1937-38 II World war. I am appalled at his pathetic lack of knowledge on Bofors that even in 1987, he did not hear the name of Bofors. What does Shri Amal Datta say? He says that the Rajiv Gandhi Government could not and did not get any information and the Swiss authorities and the Swiss Government were harping on commercial confidentialities and strict laws of secrecy and, therefore, they could get nothing. And he was very laudable on the achievements of Shri Vishwanath Pratap Singh.

The fact is that was the Rajiv Gandhi Government which on the 20th February, 1989, signed an MOU. It was between the Government of India and the Swiss Federal Government, to provide mutual assistance in criminal matters and which paved the way for Shri Vishwanath Pratap Singh, to get his information in four days time. And today, it is because of that agreement that we are debating this issue. Otherwise, we would have been totally in the dark over the last years that is from February, 1989.

Now the cat is out of the bag, when Shri Amal Datta said that these parliamentary procedures when they cannot have accountability, then it is not a democracy and that Bofors issue will be carried on till the next elections. This is also what his leader and mentor, late Shri Pramod Das Gupta, who was the Secretary-General of the CPM said in 1967, on this very floor of Parliament, when Naxalbury was being debated. When the Naxalites termed the CPM as the new revisionists and the CPI

as revisionists, that was the time, when late Shri Pramod Das Gupta has said that we are getting into a parliamentary democracy to break it from within and to show the futility of parliamentary democracy. So the cat is out of the bag.

They are all hon. gentlemen. They are gentleman, like Brutes in Julius Caesar's time. They are all hon. gentlemen and they do not believe in the etiquettes of Parliament or parliamentary democracy.

We heard Shri Jaswant Singh, who wanted that Bofors should be handled with care. I agree with him. I was an Air Defence gunner myself during 1971 war. I did have the privilege of using the Bofors and the Aircraft guns and we played many hell into the Pakistani aircrafts. And anyone handling Bofors should handle it with care and anyone who stands in front of the Bofors should also be very careful as the Pakistanis are finding out to their discomfiture in the Siachen today.

Shri Jaswant Singh has also mentioned about the amazing gullibility of our people. I quite agree with him. Our very intelligent Marxists friends did not use Bofors when the Bengal elections were going on. They used the question of the conflict between Giani Zail Singh and late Shri Rajiv Gandhi. They kept silent about Bofors in Bengal. At that time, Bofors issue was very much live subject in Parliament. But in Haryana the Bofors was used because every family in Haryana has somebody in the Services or every household had at least one Ex-Servicemen in its fold. And at that time there were 8 1/2 lakh of Ex-Servicemen living in Haryana, in 1987. Therefore, it influenced the voters in Haryana.

Today, you can fool some people sometimes; many people many times but not all the people all the times. People of India have seen through this game and in

1991, the verdict and mandate of the people was very clear, in spite of the bold attempts made by my vociferous friends, with tremendous lung power to carry on the Bofors issue till the next general elections. My hon. friends have been quoting profusely from foreign magazines and foreign booklets which they have access to. I would not like to join issues with them in that.

I would like to mention here what Shri Somnath Chatterjee said. He was waxing eloquent on the role of Shri Madhavsingh Solanki. I think Shri Somnath Chatterjee is a barrister and so is Shri Amal Datta. They have been both talking about how slowly like a turtle the investigations are going on. He and Shri Amal Datta know very well as I know, we know of a common case, which has taken twelve years in the Calcutta High Court that has not been heard till so far. Shri Somnath Chatterjee knows this particular case that I am referring to and so does Shri Amal Datta; I would not like to take the House into confidence on this case at the moment.

If Shri Amal Datta who had documented all these telephone callers to Zurich and to Geneva had shared the names and the times and the number of calls they had made, I think the House and the country would have benefited to the authenticity of his information as well as are who are the hon. Members of this House who are supposed to be secretly ringing up the Switzerland and Swedish authorities. But he did nothing of the sort except saying that it is a camouflage and a conspiracy. Who is camouflaging and who is conspiring, he has left it to everyone's imagination.

Hon. *Raksha Mantri* has in his statement given us three aspects. First is Sweden which is the latest where the Swedish authorities have rejected the appeal on 10th

of March 1992 on the ground that no fresh facts have been brought forward to justify the reopening the case. Second is that of Switzerland. I for a moment am thinking why are my hon. friends opposite so keen or were so keen to have the discussion on Bofors in the last two or three days. Because on the 3rd of April the Swiss Court is going to give its verdict on the pending case before it. I do hope that it is not a subtle means of trying to influence that Court by the discussions held here, by the oratory and the rhetoric and by trying to implicate it. You may laugh; it is not a laughing matter at all; it is a serious matter in which is involved our country's honour and prestige.

The least we can do is to pursue as doggedly as has been followed by our Government here to see that the fair name of not only India, but the fair name of the young man Rajiv Gandhi who wanted to bring in cleanliness in public life, who wanted to take us to 21st century is cleared and doubts set at rest for all times to come as hon. Shri Jaswant Singh has said.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI-MATI MARGARET ALVA): Mr. Speaker Sir, five years repeatedly on one occasion or the other Bofors has been discussed in this House. Names have been dragged in, officers have been blamed, individuals have been targeted, an entire election campaign was conducted in the name of Bofors and through disinformation. Repeatedly all of us have agreed that the truth must be discovered. Therefore for some Members today to stand up and say that we on this side are not interested in getting to the truth and that they are the only ones who are, if I may say, the speakers on behalf of the truth is I think creating a citation in which the truth perhaps will never be found out. Therefore, I would like to say irrespec-

[Smt. Margaret Alva]

tive of parties that these issues required to be looked at purely from the point of view of what has been done, what was required to be done, what was to be done and that is yet to be done. To just stand up and say that the Congress Government has done nothing and it is only Mr. V. P. Singh Government that has done something, is I would say, very far from the truth. I would just like to clarify this point before I go to other points.

During the entire period of Shri V. P. Singh's Government, all that they did was - besides all, I would say here - that in January, they did get the Swiss authorities to freeze a Swiss bank account. But that is a different issue. Otherwise Between February '90 and August '90, when they were in power, all that they were able to do was to submit a letter rogatory which was defective, which was rejected, which had to be corrected and which was accepted being in August '90. After that you talked and all that you said right through the election campaign, chits had been presented at public meetings - that here are the names, we will give them to you, the moment we are in power; here it is in my pocket, my pocket computer has it and I will produce it . What happened over the eleven months? Where were the names? Where were the discoveries? Where were the disclosures? I would like here to point out that a number of things have been said about the CBI and being in-charge as Minister of State under the Prime Minister, I am just wanting to clarify a few of those issues which have been raised about the officers handling this investigation. But, before, I go to that, I would like to inform the hon. Members that 31 trips to different countries have been undertaken by officers, ever since this whole issue began-any number of countries, any number of places. (Interruptions) The total number of mandays spend abroad

for the investigation are 386 days - in different capitals. I would also like to point out that Mr. Bhurelal, sitting in the PMO, was accompanying a number of these teams, leading many of these teams; and the Additional Solicitor-General was also going with these teams, advising the teams. Over all that, the expenditure that has been incurred is Rs. 50 lakhs, out of which Rs. 42 lakhs have been in foreign currencies. This does not include expenses of hotel bills and other things. That perhaps, you will have to find out as to who spent what. I am sorry, I am not talking about my times alone. I am talking about the entire period during which the investigations have been going on. Today you come and say that we have shifted the officers, and therefore the investigation has been tampered with. I would like to point out that in any Government organisation, some people are there on deputation, some of them are in the regular cadre. When they become due for promotion, they are not prepared to give up their promotions and stay on, because you like their names. I would say here specifically that one of the officers - I am not going to name him because nobody has mentioned his name - gave in writing and asked that he be permitted to go back to the State Card and get the promotion which was due; otherwise, he would have said that he was not allowed to go.

Let me point out now that the other officer - Mr. Madhavan has been repeatedly mentioning and therefore I am mentioning him was given promotion during the VP Singh Government in May '90 and was put in charge of the Economic Offences Wing. While he was promoted to that, he was asked to continue with the Bofors investigation as well because he was part of the team. He continued to do that throughout. Nobody else was posted to the other very important and sensitive post. He was fully involved with Bofors. (Interruptions) I am giving you the expla-

nation. You have asked a question and I am giving you the explanation. You may have your own views on it. It is not for me to decide. I am only giving you the facts. (*Interruptions*)

[*Translation*]

SHRI NITISH KUMAR: Was the promotion out of the way?

SHRIMATI MARGARET ALVA: I am giving the facts in English. Please listen to the translation.

[*English*]

My point is that as far as he was concerned, he continued to stay in the post right through till August. When the Supreme Court judgment came upholding the FIR and saying that the proceedings can go on, there was nothing further on a day - to-day basis to be done. Therefore, he himself went on these months long leave saying that his personal work was suffering for a long period. He asked for two months long leave saying that his personal work was suffering for a long period. He asked for two months' leave. He went on leave. He came back. When he came back, he was requested to resume his post in the Economic Offences Division where he had originally been posted in May, 1990 by the V. P. Singh Government themselves. We did not shift him. That was his post. Since there were two Joint Directors of equal rank handling the same case, it was felt that one could handle it and the other one should go to the Economic Offences Division. This was an internal arrangement. I can tell you that none of us has had to either promote or shift him. It was the post which was his to which he asked, to go. Therefore, these two officers, I can assure you, have gone in their normal course of posting and promotion.

You have also mentioned that so-and-so was sent abroad. I am telling you that the term has continued. It is at different levels. It still has a Joint Director heading it. You call somebody an under taker or you call somebody else a brilliant performer. Maybe your assessment is based on the assessment of newspaper report or whatever it might be. But we do have that very efficient team even now. I can tell you just briefly because the details of the court investigations are going to be handled by my colleagues who are better qualified than me to do that. But I would certainly like to point out that as far as the efforts made by our Government are concerned, since August, 1991 when the Supreme Court upheld the FIR, several steps have been taken. I must tell you that even the appeal was filed by us against the decision of the lower court. We could have kept quiet. Appeals were filed. These have been dismissed on merits by the Appeals Court. Proceedings are going on which will be explained to you again. At no stage have we or the CBI or the Government ever said that nothing is to be proceeded with or anything should be withdrawn. I would like to point out because this question was asked that even when the Press reports came earlier, which were mentioned, in February, we did contact our lawyers there to get details. This very Mr. Anderson has been referred to by Mr. George Fernandes in such glowing terms said, "My sources are not to be disclosed. They are undisclosed sources. I cannot give any other information. It is my own. "Let me point out like another speaker earlier pointed out, that this is the same man who was charged in a court of law for defamation, who apologised, who has been asked to pay damages and courts have held that his reports were totally wrong in another case. This is the same man that you are today quoting and telling me that what he said about Rajiv Gandhi must be true.

[Smt. Margaret Alva]

I want to say one thing here. In an investigation you are to start with an open mind and try to get at the truth. Unfortunately in the case of Bofors, you have started with a presumption that some one is guilty. You have been trying over these years to prove that what you think is correct. It is the wrong route. You are going upside down instead of going from facts to upwards to find the truth. I charge that you have been guilty of character assassination of destroying the credibility of an individual.

SHRI SOMNATH CHATTERJEE:

Whose character? (*Interruptions*) We have not taken any name.

SHRIMATI MARGARET ALVA: I want to tell you today that you won an election on disinformation, and you think that you can win the next election by disinformation also. I want to tell you that the people of India know your game by now. They have seen you through and through. All this is not going to carry weight. If you want to get the truth, there has to be appreciation of the facts and an understanding that legal processes must take their course in India or abroad. And let me point out that it has before the defeat of 1989, during the Rajive Gandhi Government that the MOU was signed with Switzerland in order that we may be able to collaborate in sharing information on all these issues. There was no MOU before that. And if we wanted to hide facts, then there was no reason why we should have signed the MOU to be able to get information, and investigate, and seek support in the matters that we had undertaken... (*Interruptions*)... Yes. Everything we do is to cover up and everything you do is to expase. Be happy about it. But let me tell you that even the preliminary investigation was started by the Rajiv Gandhi Government. The first letter roga-

tory was issued during our Government. But ours was not defective like yours. We had enough people to see that what we did done correctly and not messed up like you did.

Sir, I do not wish to go into many other issues which I know will be dealt with later. But I do want to say that it is not fair to blame th CBI and the team of officers for everything that they had done. They have done their job. And I can tell you while your Government came and threw out Governors, Chairmen and everybody, we did not throw out anybody. Who were there, are there. But if they are due for promotions and they have to go, you and I have no right to stop them from going where they have to go even though you like their faces. They are not Governors who may be appointed and sacked at your pleasures. They are there and are doing their job as they should... (*Interruptions*)... Finally, I want to respond to one point. A question has been raised about what our response had been to the queries... (*Interruptions*)... I also want to point out that when the issue was raised, as far as our response was concerned, we had replied to the letter, which was received on the 25th, on the 26th March itself pointing out that we want the investigations to go on and that we are serious and the letter had gone both through the Embassy as well as through our lawyers directly. Therefore, I can assure the House that we mean business and we want to get at the truth because the truth will show that what we have been saying all along is correct and what you have been insinuating all along has been wrong.

SHRI GUMAN MAL LODHA (Pali): Honourable Speaker Sir, the debate and the discussion which we are having on the century's most serious scandal in the political arena of this country would not be very meaningful unless that mysterious four page document, for which the External Af-

fairs Minister has to resign, is placed before the House, looked into and then discussed. Sir, I must compliment the Finance Minister that at least, he was candid in this House when a question was raised about the letter he had written to the international organisation like IMF, etc. and he had placed it before the House. Now, the concealment of this letter from the House by the treasury benches is the most important proof that there is something fishy in that letter, there is something which they do not want to disclose and there is something on account of which they want to stop the prosecution and the appeal which is going on there and the disclosures of the Bofors scandal. Therefore, I would insist that the honourable Prime Minister who is having the reputation of being broad-minded on this issue should make it possible for placing that letter before the House. It is not difficult to get it by FAX. Only two or three minutes are required. But the non-placing and the concealment of it certainly goes to prove that they want to hide it from all and sundry because it would damage them and disclose their real designs and the so-called tears shed by Mr. Mani Shankar Aiyar in his speech were only crocodile tears. He talked of unearthing the truth? How? In what way? When you do not want to place the document before this House and you want to conceal it, that is the first and foremost proof of the guilt of the Treasury Benches. I would also like to say that the manner in which the judicial proceedings have taken place in this case also show that the Treasury Benches and the Congress leaders are hand-in-glove with them, whether it is Win Chadha or Hinduja.

Mr. Chidambaram is sitting there. He is a very important legal luminary. May I ask him one thing? What prevented the Government from getting the case transferred from the Delhi High Court to Supreme Court under Article 139 (a) of the

Constitution? One simple application would have been enough. Why was it not done? Why have they transferred a copy of the petition filed by Chadha in Delhi High Court to the Swiss Authorities? It is very important because the Supreme Court gave the order dismissing the petition and quashing the order given by the Delhi High Court, which was indeed a funny order. At the time of admission itself, the Delhi High Court has said that on the basis of the admissions made by the Counsel who appeared in the Delhi High Court on behalf of Government of India pleaded the case of the petitioner and said that the FIR disclosed no offence. Mr. Speaker Sir, you have got legal experience, Have you ever heard of a prosecutor going and saying that the contention of the accused is correct and that there is no offence made out in the FIR? This is one of the most important facets of this case which goes to show the real intentions of the Treasury Benches. It is true, at that time, Congress was not in power. It is also true that Congress was supporting the Government of Shri Chandra Shekhar. At that time, the then Law Minister called a conference of the CBI officers and reprimanded them for registering the FIR and for going on with the prosecution. I also want to mention the name of the CBI officer, which is mentioned here by some Members just now. Shri Madhavan actually moved an application to permit him to file a suit of defamation against the Law Minister because in that conference, the Law Minister had tried to reprimand him for continuing the CBI investigation. If this is the condition, may I ask, where is the intention of conducting the investigation by the CBI in the correct form? This is the problem with them.

In 1987, way back, disclosures were made on 16 April 1987 by the Swedish radio broadcast that a bribe was paid to some senior Indian politicians in an agreement dated 24.3.1986. Then came the dis-

[Sh. Guman Mal Lodha]

closures one after the other. Even the Controller and Auditor General of India, one of the most important dignitaries, an independent authority, came out with a report. One after another, proofs were furnished.

Now the only question is this. Who are those politicians and who are those businessmen? Who are the touts who are the pimps? Who are those persons involved in this? For this purpose, the investigation was going on. It is not a case where the bribe has not been given. By this time, it has been established beyond any manner of doubt that Rs. 64 crores were paid. Now it is said that more than Rs. 200 crores are paid.

Now, a document has been handed over by the Minister of External Affairs to the authorities in Switzerland. Now, the funniest thing, the joke of day is that the Minister says that he does not know the name of the person. A person, an unknown person would not drop in so easily in Switzerland to give a document to the External Affairs Minister. He knows for certain that he is an advocate. When he knows that that person is an advocate, can one believe that the External Affairs Minister would not be able to know the name of that advocate who has handed over a document to him? Can such an important document be handed over just like that? It is not believable. I must say that the External Affairs Minister is not fair; he is not honest. In making a confession he had no option but not to disclose the name and thereby try to conceal the entire conspiracy. By doing this he is only helping to salvage the investigation. This is the most astonishing thing. Sir, today everybody in the world is laughing at us. Nobody can believe that when a document was handed over to the Minister he did not read what was there in that document; or who handed

it over to him. He did not also keep a copy of that document. This sort of thing has never happened anywhere. No document is exchanged in this manner. I would, therefore, say that this is one of those cases where right from the beginning attempt is being made to conceal the facts.

Today the hon. Minister has given a statement in which he has mentioned that he had sent the copy of the judgment of the Supreme Court in which the order of the High Court was placed and he also sent a copy of the petition filed by Mr. Win Chadha in the Delhi High Court. I do not know why this copy was sent. It is not customary to send copies of the petition filed here however, we can send copies of the judgement or copies of the stay order. The reason which the hon. Minister has given in this regard is that he had sent the copy because he was properly advised on that. I think he was advised for the purpose which has been disclosed in the disclosure where it been stated:

"The report that Dr. Pierre Schmid, Chief, International Assistance in Criminal Matters of the Swiss Federal Policy Office at Berne, has been told from above that India wants the Bofors scandal shelved, is most disturbing. As Mr. Schmid has himself stated, he will now have to convey what he has been told to the Geneva Cantonal Court which is hearing appeals on behalf of six parties for rejecting the Government of India's request for access to Swiss bank documents vital to the unearthing of the Bofors scandal."

Therefore, Sir, the mischief has been done. On the 1st of April, we are discussing this matter on the floor of the House but now no time is left. As a matter of fact, even today in the speeches which have been made by the Members from the treas-

ury benches, no one has said that a message has been sent to ignore these four pages document and proceed with the case in right earnest. Even today it has not been done. The hon. Minister who gave a statement in the House today did not mention anything of that sort. This shows that they want not to investigate and not to unearth the name. They want to do this because they know that otherwise somebody sitting on that side or somebody connecting with them be in the dock. Therefore, they want to shelve it.

I would, therefore, submit that the Prime Minister when he speaks, he should begin by saying that he has sent a message there to prosecute the case; to signor the four pages document; the have a FAX copy of that four pages document and place it on the Table of the House. That is the most important part of this debate. If that is not done then all these crocodile tears which have been shed by Shri Aiyar and others in order to become more pious than the Pope himself, and try to show the loyalty to the departed sove of Shri Rajiv Gandhi, with which we have no dispute absolutely, will become infructuous. We can be very loyal but the point is that of nation. It is a sell out of the nation and the sell out of the nation cannot be tolerated.

Therefore, Mr. Speaker, Sir, I would like to submit to you this. My senior friend, Shri Jaswant Singh, has dealt with the matter in detail. I would only like to submit to you that instead of shedding crocodile tears, they must face the facts. All the three officers who have been removed must be re-instated, if they are really genuine about the investigations. Sir, may I know from them why did they remove all these three officers one after the other.

SHRI PAWAN KUMAR BANSAL: Dis-

cretion has barriers and also limits as has **; he should understand that.

MR. SPEAKER: The very strong words should be removed from the records.

SHRI GUMAN MAL LODHA: Sir, we understand that you are in the dock. The Treasury Benches are in the dock on this issue. The country has given a verdict on that point against you. You want to become a hero out of your own uormissions and commissions, out of the scandals which have rocked and shocked the entire world. I would, therefore, submit that three officers who have been made scapegoats and who have been removed from the CBI must be put incharge of it. After all, what was the crime? What was the crime of Shri Madhavan? Why was he transferred? The only crime was that he was conducting the investigation correctly, truly and was trying to unearth this. May I know what happened to him.

SHRI A. CHARLES (Trivandrum): Sir, I am on a point of order.

MR. SPEAKER: What is your point of order?

SHRI A. CHARLES: My point of order is this. There are administrative details of officers. May I know under what rule he is demanding that certain officers should be re-instated.

MR. SPEAKER: You will have to show me the rule under which you are raising the point of order.

(Interruptions)

MR. SPEAKER: Shrimati Margaret Alva has spoken on this point already. Just before you started, she spoke.

SHRI GUMAN MAL LODHA: Sir, what I am saying is that the team of Shri M. D. Sharma, Shri Madhavan and Shri R. N. Singh of the CBI who were investigating this offence and who were trying to unearth the offenders, the criminals and put them in dock, all of them were removed on one pretext or the other. There is a sincerity on their part. If there is a genuineness on what Mr. Aiyar has said that they want to unearth the both then, you first re-instate them in those very posts.

Then, Sir, I would further submit that the first and the foremost thing is that this Government should send a signal to the Swiss authorities that that document is to be ignored and on the next day, we have to unearth the names of the persons and therefore prosecute the appeal.

SHRI INDRAJIT GUPTA (Midnapore): Sir, I am overwhelmed by your generosity in allowing me to speak something now at 7 o'clock. I am patiently waiting here for the Prime Minister who, I am sure will throw some light on this murky affair. I am sure, he can.

THE MINISTER OF STATE IN THE
MINISTRY OF STEEL (SHRI SONTOSH
MOHAN DEV): I am also patiently waiting to hear you.

SHRI INDRAJIT GUPTA: Sir, first of all, I would like to make one thing clear. Some Members of the ruling party, I am afraid - though I understand their sentiments and I sympathise with them - that they are overcome with this complex about late Shri Rajiv Gandhi.

As far as I am aware, we never made any specific charge that the money has been taken by him. But what we did make a charge about was that whoever has taken the money must be people in high places. They were being shielded. They were

sought to be shielded. That is not a very happy position for a Prime Minister to be in. I know like to ask whether, up to the time when the National Audit Bureau of Sweden came out clearly, committing this fact that money has been paid by Bofors as a commission for the purchase of Howitzer, until that time, was it not strenuously denied by everybody on that side of the House that there was not commission; that there was no broker; that there was no middleman and nothing. These are all inventions of the Opposition. It was only when it was not possible any more to deny it because of the National Audit Bureau's Report, then we came to the next stage of the whole affair.

Mr. Madhavsingh Solanki, of course, is not the first victim of Bofors; and I do not know how many more victims there may be before this ghost is finally laid to rest.

There was one victim, to begin with, whose name was Mr. Arun Singh, who was the Minister of State for Defence. Of course, he voluntarily resigned. I don't think anybody forced him to resign perhaps. But why? What was the matter? He came out openly with a statement that during our Joint Parliamentary Committee investigations and subsequently, when it was found that on the plea of confidentiality, this Company was refusing to identify the recipients of this money, he said, he suggested - it may have been wrong; it may not have been a right way of suggesting it - if you want these names, if the Government of India is interested in getting these names, the only way to do it is to summon the top Executives of this Company. The contract had already been signed - and to tell them that unless you let us have the names of the recipients - because, after all, that money which was being paid was part of the price which we had to pay for the gun eventually, that price was included in the price of the Howitzer; that come out

of the Government of India's pocket - Shri Arun Singh said that unless you reveal the names of the identity of the recipients, threaten them by saying that we will cancel the order. The had not been executed; only the contract had been signed. This was Mr. Arun Singh's crime. He did not belong to the Opposition; he belonged to the Government; and he resigned because, perhaps, the way that his proposal was met, was received by top people in the Government, left him with no option but to resign. He was the first victim.

The second victim was Mr. Olof Palme, the Prime Minister of Sweden. Nobody can say for certainty who killed him and why he was killed. But, after all, he was the Prime Minister of Sweden. Swedish Press has been full of reports about connection of Mr. Olof Palme with this whole Bofors deal. He was killed, may I remind you, just three weeks before the signing of this contract. It was stated that at a meeting of the United Nations in New York, an agreement was reached between the two Prime Ministers of India and Sweden, some understanding was reached between them that hence regarding this particular contract, there would be no middle man; no middle man would be used; and there would be no question of commission and all that.

This was stated here in this House. I do not want to go on referring to that persons about whom these people are so sensitive; there was complex about it. If you mention the names, they say, oh, you are out to character assassination. It was stated here in this House. I was very much a Member in this House; it was stated here in this House that in New York, the two Prime Ministers had come to an agreement that there would be no commission and no middle man, as far as Bofors was concerned; maybe it was so, I do not know. But, later on, we found that in the Report dealing with Bofors, which was submitted by the C&AG, which was laid on the Table of the House here, after much

delay, a report in which perhaps the C&AG said; it is in black and white; you consult that Report that for months and months, he was asking for certain files and papers to be sent to him by the Ministry of Defence; and it went on being delayed and delayed and delayed; and he said, I do not know why it is being delayed; finally, it came to him. He had scrutinised all the available papers and files; and in his Report, he had written—his remarks were curious—that this kind of alleged agreement was reached between the two Prime Ministers; there is nothing on record; no noting on the files, not even an exchange of letters between the two Prime Ministers; nothing to indicate that there is any such binding effect of any agreement that there will be no middle man and no commission.

In fact, it was on this issue—when this Report of the C&AG came out—we were asking questions on that basis.

19.00 hrs.

We were asking questions on that basis and no satisfactory replies were being given. I would remind you that it was on this issue that the entire Opposition resigned from this House. We left our seats here. We resigned. We went out. Yes, we did. We did. Because, we were not saying that Shri Rajiv Gandhi had taken the money. But we were saying that it was not the attitude that the Government should take or trying to shield the people who may have taken the money.

So, according to the Swedish Press Mr. Olaf Palme's murder—of course, it is not our business, we cannot do anything about it, it is for them in their country to investigate into those matters—but according to the Swedish Press, it is not unconnected with this Bofors deal.

The third victim of Bofors is the unfortunate Shri Solanki. He is unfortunate in the sense that but for our vigilant Press and I was just wondering what would have happened, suppose he had not made this confession,

[Sh. Indrajit Gupta]

suppose he had kept quiet, suppose he had not said anything. And I do not think that he would have done it if the Press had not been so vigilant. It was because it came out in the Press that he had no option but to admit that he had passed on some paper to the Foreign Minister of Switzerland. But there is no question of saying that he was a poor innocent man. He was not a poor innocent man at all. He was the External Affairs Minister of such a big country. One does not find it credible that he should do a thing like this without bothering to know the enormity of what he was doing, apart from the fact that it was the grocest of all improprieties that any Minister could commit.

Apart from that, he did not know anything! He did not know who the man was, who have him the paper, he did not know what was in the paper. He said it, but as I said earlier on in his statement in the Rajya Sabha, he has admitted that this paper dealt with the present status of the Bofors cases in the courts in India. How did he know it if he did not read that paper? How did he know what it contained, or what it dealt with? But he has said in his statement that it deals with the present status of the court cases regarding Bofors in Indian courts. So, he knew that much at least. In spite of that he handed it over which was not his business to do at all. And he never bothered to find out how that paper came there.

I would like to know from the Prime Minister since he must have carried out some inquiry subsequently. Who is the author of that note? Who prepared that note which came to Shri Solanki through some unidentified man according to him and then he passed it over? Who authored that note which gave the impression to the court there in Switzerland that we were not serious, that our Government was not serious and does not want this thing to be vigorously pursued but to go a bit slow on it?

SHRI RAM NAIK (Bombay North): And the fourth victim?

SHRI INDRAJIT GUPTA: The fourth victim is still to come. I am really perturbed, because I do not know, by the time we get to the bottom of this Bofors mystery, how many victims it will claim.

Nobody was prepared to this, what has happened. It has happened all of a sudden. It has been a very shocking affair altogether. And I am sure the Prime Minister is also shocked. The Prime Minister, in these last three or four days, I am sure, has made the necessary inquiries to find out how it came about, this curious incident. And, of course, for the External Affairs Minister there was no alternative but to quit, or to be made to quit. I do not know what it was.

So, now I would just say that this long history, narration which we have been hearing also, I do not want to repeat all that, about the various occasions on which some attempts were made, which were in our opinion attempts to slow down the investigation.

This is only one example here. This is contained in the statement made by the hon. Raksha Mantri this morning. I am quoting from his statement—page 2 of the Defence Minister's statement—from the revised Letters Rotatory there.

"The revised letters rogatory were furnished by the CBI to the Swiss authorities on the 30th August 1990, which were found to be in order by the trial Judge on the 19th September 1990. Appeals were filed by certain affected parties against the said Order."

Who are those parties? Here we know, Mr. Win Chadha was filing the petitions and all kinds of things were going on. Who are these certain affected parties, who filed appeals against the Order in Switzerland?

Our information is that it was one of the Hinduja's. If it is wrong, you please say so. You take a full sense of responsibility and say it was not and tell us who it was. This is one appeal only. Our information is that it was one of the Hinduja's. I think, now nobody can deny that one or more of the Hinduja's are certainly up to the neck in this whole affair.

About Mr. Win Chadha, the less said the better. He has gone now. He has flown from this country. We were not able to prevent him from leaving the country, to impound his passport or do anything. You cannot bring him back. You cannot get him extradited. You cannot do anything. So, he has gone.

Sir, I only want to say that it is now obvious to us that it is not enough for the Government occasionally to keep on assuring the country that this inquiry will be pursued vigorously and everything possible is being done. We take this with pinch of salt. I am not blaming the Officers. There may be many officers who are conscientiously trying to do the job. But many things had happened and they were narrated here, which were beyond the competence of the officers, and may be in the realm of higher policies. Therefore, we feel that it would be better and it would be more advisable - I do not think the Government will agree - if a motion or a resolution or something of that nature, which was moved here by my friend Shri Gorge Fernandes, is passed here. I am not bothered about the words. But the contents are very important. The Government plus the Parliament as a whole, all the parties and the Government together, this House should declare that we are resolved that this matter must be pursued vigorously till the truth is found out.

Many speakers on that side have also said that they want the truth to come out. I am very glad. That is an obvious thing which anybody would want; whether you want to clear some body's name, whether you want

to assassinate him or whatever you want to do. The truth has to come out. And the issue here is not whether Mr. V.P. Singh in eleven months was more inefficient or less efficient and whether you have shown models of efficiency during the rest of the time. I am not interested in this debate.

How will you get at the truth if you go on accusing each other on these things? You should get at the truth. It is good for the country. It is bad for the country to allow a thing like this to drag on and on for five years. We have not made that kind of a concerted and an organised, united attempt, which we could have, which we still can do, I believe, to see that the matter is brought to an end as soon as possible. Whoever the guilty may be it does not matter - it may be Shri Somnath Chatterjee, it may be myself and it may be you - let the truth come out. And for that purpose, we are suggesting that there should be no objection on the Prime Minister's part, if the whole House is one, as we have done many times in the past on other occasions and on other issues, in adopting some kind of a motion or a declaration or a resolution saying that we are deeply concerned because of the Solanki affair, which has now brought the whole murky thing to surface again, and the whole House wants that this matter should be vigorously pursued and the investigation of the case should be brought to a speed and successful end in the interest of the whole country. This is what we want.

This should be done before it is time for yet another victim to emerge on the scene. I am quite sure that other victims will come if the matter is not ended soon because big money is involved; all kinds of people are involved; all kinds of people who have got vested interests and stakes in this whole affair are involved. Some may be here and many are in abroad. And, therefore, we should try to see to it that in the interests of the country this matter is pursued and investigated and the truth is brought out as soon as possible.

THE MINISTER OF STATE OF THE
MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM): Mr. Speaker, Sir, at this hour, I intend to be very brief.

The statement made by the Defence Minister, I believe is comprehensive and conveys in a succinct sufficient manner what has happened since the previous Congress Government stepped down from office and in particular what has happened since the Congress Party assumed office and Government in June, 1991.

SHRI INDRAJIT GUPTA: Sir, I want to make a small point. I do believe and you will also agree with me that this Debate despite some tensions and some fighting by each other will have salutary effect. It will have salutary effect. It is already beginning to have a salutary effect and the Government will, I am sure, take heed of all the expression of opinion that have been ventilated here. They may not agree with them. But, it will have a salutary effect in ensuring that this matter is not brushed under the carpet and it is vigorously pursued to an end.

SHRI P. CHIDAMBARAM: I entirely agree with hon. Member, Shri Indrajit Gupta. Any Debate in Parliament will have a salutary effect and the debate today which has been conducted without much ill-will or rancour will surely have a salutary effect.

Let us recall a few steps taken by the previous Government of Shri Rajiv Gandhi. These were not taken gratuitously, these were not taken under coercion. These were taken by the Government in the ordinary course of business because it is Government's business to ensure that the laws are observed and those who violate laws are punished.

On the 20 February, 1989 when an MOU was entered into with Switzerland, no one in the opposition had demanded that MOU should be entered into. When Section 166 of the Criminal Procedure Code was

amended, first by the previous Government of Shri Rajiv Gandhi in order to seek assistance from foreign countries, no one in the Opposition had demanded that we should do so. These were decisions taken by the Congress Government not only in order to facilitate the CBI enquiring into the Bofors case, but in every other case where the National Crime Bureau of India is obliged to seek assistance from the National Crime Bureau of that country.

Three days after the MOU was entered into, a letter Rogatory which was ready, was served upon the Swiss Government. Towards the end of Shri Rajiv Gandhi's Government's tenure on the basis of the refusal by the Swiss Government to furnish information to the first letter Rogatory, another letter Rogatory was sent. Our letters Rogatory were not found defective. We had registered the preliminary enquiry. No court has quashed that. No court has found fault with that. No other Government had found fault with that. The Government changed and new Government came into office. I say this with a full sense of responsibility at least in this part of the country, in the northern part of the country, they won their votes on the basis of a deliberate campaign of disinformation and calumny. It is different matter that eighteen months later, the same party lost an election despite a campaign of calumny and disinformation. (Interruptions) We did not get a majority. But, we were not reduced to the pathetic plight in which Shri V.P. Singh is placed now, not even the recognised Leader of the Opposition. Even when we lost an election, we were the single largest party and when we have won an election, we are the single largest party. Let me say, if we conduct our business honestly as we do, we will always remain the single largest party in India. Mr. V.P. Singh stood up to interrupt and said that my government has done so many things. One must put that to close examination, microscopic examination. Let us see what he did and let the world judge what that Government, which mercifully survived only for eleven months, did, and

what it would have done if it had survived beyond eleven months. It would have devastated this country. But that is a different matter... (*Interruptions*). All of you have spoken about this. So, please be patient... (*Interruptions*). I am only on Bofors... (*Interruptions*). O.K., thank you. I take your advice. I will speak on Bofors.

Sir, a regular case was registered and a letter Rogatory was sent, first by the CBI and then they went to the Special Judge, Shri R.C. Jain, and got a Letter Rogatory issued by the court. I do not blame them for that. According to me, under law, a Letter Rogatory issued by the CBI is adequate. But if they thought they had to strengthen that Letter Rogatory by a Letter Rogatory issued by the court, they were welcomed to do so. What did the Swiss authorities do? My colleague, Shrimati Margaret Alva very generously did not mention all the defects found by the Swiss court. I will enumerate some of them and I will point out when India's fair name, the fair name of the Special Judge was tarnished. It is not now but when the Letter Rogatory was served upon the Swiss authorities. The Swiss court found that the documents were not translated, the documents were not certified, the documents referred to in the Letter Rogatory were not produced or attached to the Letter Rogatory. The Letter Rogatory did not state on what authority, the documents mentioned in paragraphs 5,6,7,8,23,24,25 and 27 were attached at all. Documents were illegible. Documents were incomplete, which means either effaced or destroyed. And finally they said: "Moreover, a piece of paper has been added and pasted on between point 9 and 10." The Government of India sends a Letter Rogatory to a court, which is not typed even on a manual typewriter. A piece of paper is pasted between point 9 and 10. And that is the Letter Rogatory which the Government of India serves upon a Swiss court through an Indian court. The piece of paper refers to names of natural persons and corporate bodies mentioned in the letter of 26.1.1990, signed by an officer of the CBI. Then they

said: "It is desirable that Indian authorities give an explanation in this connection." When were we put to shame? When a Swiss court told us that the Indian authorities should give an explanation in this connection and said. It is, therefore, legitimate to ask whether these facts were brought to the knowledge of the Judge at all and it is legitimate to ask whether any Indian civil servant, who may have been corrupted, had been proceeded with. So, please do not take so much credit for serving that defective Letter Rogatory. It is that Letter Rogatory, a defective Letter Rogatory, an appeal against that and a second appeal against that, which has led to this impasse for the last twenty-four months. I know Mr. Somnath Chatterjee, even if he shakes his head, will agree that what I am saying is correct on the legal aspect of the case.

SHRI SOMNATH CHATTERJEE: I am waiting for your statement about the lawyer and the court.

SHRI P. CHIDAMBARAM: I hope it was not you, that is all.

Then, Sir, Mr. V.P. Singh's Government said that they took up the matter in the Zurich court. The Zurich court dismissed the appeal on the 13th of November. On the 13th December the document relating to the bank account of A.E. Services was furnished to the Indian Government. I heard Shri V.P. Singh say that this was great hatch which his Government has discovered. Firstly, it was not his Government. His Government had demitted office on 6th November. When the document was furnished, it was a successor Government; but that is a minor matter. What did the Swiss Government, what did the Zurich Court do? It forwarded to us to the Government of India-the document relating to the A.E. Services account.

I wish to remind this House that the fact that A.E. Services was a recipient of Swedish Kroner 50 million was a fact which has been known to this country since 1987. It is a fact recaroled in J.P.C. report.. They do not

[Sh. P. Chidambaram]

SHRI BASU DEB ACHARIA: Please tell
us about your achievement.

SHRI AMAL DATTA: What did you do
after the J.P.C.?

SHRI P. CHIDAMBARAM: Secondly, in
the Geneva court, which has found that
defective Letter Rogatory was filed, the
compliance was made on 30th August 1990.
On 19th September, 1990 the trial judge had
found that the Letter Rogatory be now valid
against which appeals were filed.

SHRI AMAL DATTA: What was the
year?

SHRI P. CHIDAMBARAM: It was in
1990.

SHRI SOMNATH CHATTERJEE: By
whom it was done?

SHRI P. CHIDAMBARAM: We do not
know, because we are not a party there.
(Interruptions) Kindly listen to me when you
do not read the statement. The Defence
Minister's statement categorically says:

"Under the Swiss laws the foreign
Government or its Advocate do not
have the right to audience before the
concerned Swiss Court".

We do not have a right to audience. Our
lawyer does not even have a watching brief.
We will have to simply wait for orders to be
transmitted to us. The order transmitted to us
was that the Letter Rogatory was defective.
That is the first order which Shri V.P. Singh's
government won, namely an order that the
Letter Rogatory was defective. The other
order which has come, came in the succes-
sor government's time, on 23rd January,
1991 in which they said that "because of the
appeal pending, because of the proceedings
in the Indian court, we are suspending the
investigation". What is the sum and sub-
stance of this? Two orders, one order in July,
1990 finding the Letter Rogatory defective-

attach much importance to that report. They
do not attach much sanctity to that report-
and I do not want to quarrel on that-and even
that report of the J.P.C. - which you criticise,
which you do not accept, which you say is a
perfunctory report, even that report of J.P.C.
in paragraph 1.176 at page 170 has re-
corded the fact that A.E. Services was a
beneficiary who received Swedish Kroner
50 million and in para 7.181 and 7.182 says
that the amount was transferred to the Nord-
finanz Bank, Zurich. Nothing that has come
to the Government of India on the 13th
December goes even an inch beyond what
was recorded in the J.P.C.'s- the 'con-
demned' J.P.C.'s-report. After two years, so
far as the Zurich account is concerned, we
are not wiser. We are not wiser not because
of Rajiv Gandhi's Government. We are not
wiser despite Shri V.P. Singh's efficient
government, despite very efficient officers
that they employed. The fact remains that
the Zurich court has given us nothing regard-
ing that one account. If you want us to pursue
the matter, really, of course, we should pursue
the matter in accordance with law. So, what
is it that we have done today in eight months
which attaches blame to us, when all that
Shri V.P. Singh's government and the suc-
cessor government have done..... (Inter-
rptions)

SHRI SOMNATH CHATTERJEE: That
was a bad government. (Interruptions)

SHRI P. CHIDAMBARAM: That is what
we are trying to say. What is it that we done
or not done in the last eight months which
attaches blame to us, which neither Shri V.P.
Singh's efficient government nor the succes-
sor government could find out an inch be-
yond what the 'condemned' J.P.C. report
recorded three years ago? If you want us to
do something in the Zurich case, please tell
us what we should do. We can put our heads
together. We can do it. (Interruptions) But no
suggestion has come from you.

do you want to take credit for that- and another order on 23.1.1991 suspending the investigation on the ground that the Supreme Court is seized of the matter, were received. These are the only two orders- and I want hon. Shri Jaswant Singh to remember this because I am going to read to him part of his own speech he made earlier- obtained by the previous government. One was an order pronouncing a Letter Rogatory defective and another order which says that in view of the pending proceedings the investigations are suspended. It is not going forward. It is going backward. The very efficient governments did not take the case forward; they took it backward.

The next stage was... (*Interruptions*). Basudebji, please listen. The next stage was 27th of August 1991, when the Supreme Court of India allowed the appeal of CBI, dismissed the petition of Chaudhury and held that the FIR remained unaffected and could be proceeded with according to the law. Really, therefore, the CBI's work started after 27th August 1991, and the Defence Minister's Statement chronologically sets out all that the CBI has done after the 27th of August 1991 and until this day.

Sir, at this point of time, I must read for the benefit of my dear friend who unfailingly refers to me, whether I am a Member of the House or not, whether I am present or not, and I must return the courtesy to him by referring to him. Sir, this is what he eloquently demanded in a speech which he made on the 27th of December 1989, if I remember, from where Mr. V.C. Shukla is sitting today.

Mr. Jaswant Singh said:

"What do you have to do? I recommend to the Government that immediately," —This is to the V.P. Singh Government— as urgently as yesterday, you should have made a formal diplomatic request to the Government of Sweden firstly for divulging all facts

that are in their possession which they have not so far made available to us."

Did the Government that he supported make that request? No.

"Secondly, for making a joint request with the Government of India to the federal government of Switzerland for making available to us and for waiving all banking regulations so that we can reach across banking secrecy laws."

Did the Government, did your Tuesday night dinner host make this demand? No.

"Thirdly, a direct request to the federal government of Switzerland again and for divulging all information which currently lies locked up in their bank by moving criminal charges against at least two identified and known Indians, namely, Shri Chaddha and the Hinduja."

Did the Government launch criminal charges? No.

"There is enough evidence now to act as they have done misappropriation of public funds. It is not merely avoidance of taxes. I would urge this Government to do two other things—One is to impound the passport of Shri Win Chaddha who is reportedly now seeking shelter in Abu Dhabi and secondly, institute an immediate inquiry against Hinduja against whom so many allegations have been made."

Did your Government do that? No. (*Interruptions*).

The Government was supported by you. (*Interruptions*).

The whole world knows, Jaswant Singhji, that the Government could never have cobbled together a parliamentary majority without a crutch given by you and the crutch given by the Left parties. (*Interruptions*).

SHRI JASWANT SINGH: With your permission, Sir, and if the hon. Minister would yield just for half-a-minute.

I am guilty for all this. Since 1989, I admit that I have been at fault, I am guilty. It is because of me and what I said in the House sitting where Mr. Shukhla is now sitting, that Bofors has not progressed. Please inform us—instead of going into the history of my default, please tell us now what you have done. *(Interruptions)*.

SHRI SOMNATH CHATTERJEE: The Governments they supported has given* these three. *(Interruptions)*.

MR. SPEAKER: I think all these names may not form part of the record.

(Interruptions)

SHRI P. CHIDAMBARAM: Sir, now I go to Sweden. *(Interruptions)*. Now I shall just very briefly, just for one minute deal with the investigations in Sweden. *(Interruptions)*.

MR. SPEAKER: Do you think you are addressing him? He is under the impression that you are addressing him.

SHRI P. CHIDAMBARAM: I am not addressing him. *(Interruptions)*. No, no, I am addressing you and Somnathji. *(Interruptions)*.

Sir, what is the position in Sweden? They did not take Mr. Jaswant Singh's advice.

They wrote to Sweden. *(Interruptions)* I am going to come to the certificate given by Mr. Vajpayeeji in a short while. In Sweden, Mr. Lars Ringberg who is the regional Prosecutor handling the case, after many months took a decision and I will come to that presently. Finally he said that he had no facts to

open a criminal investigation in this matter. Then, we filed an appeal. We took some months to file an appeal because we had to find a lawyer, we had to draft an appeal and the appeal was filed. It is nobody's case that the appeal was dismissed on the ground of delay, it is nobody's case that the appeal was dismissed on the grounds of limitation. The appeal was dismissed barely 20 days ago, on the 10th March, 1992 by the Prosecutor General. Therefore, this Government filed an appeal against the order of Mr. Lars Ringberg and the appeal has been dismissed. Surely we can examine whether a further appeal lies, surely we can examine whether there is another higher court where we can appeal and surely we will examine. What is the fault and what is the blame attached to us? After all, Mr. Lars Ringberg said nothing new. What did he say as early as 28th January, 1988? Again, even the 'condemned' JPC Report contains it. As early as on 28th January, 1988, when we were obfuscating according to you, when were thwarting according to you, what did he say? He said:

"A judicial inquiry similar to our preliminary inquiry concerning possible bribery offences has not been commenced in India.

Thus, neither written nor oral evidence has been obtained through the inquiry undertaken with regard to whom payments were made and the reasons for them.

In view of this, and since it cannot be expected that information of decisive importance for the matter of prosecution could be obtained by continuing the inquiry, the preliminary inquiry is withdrawn."

This is the decision he took on 28th January, 1988. It is contained in this report which you condemned, because you said, we were not serious about persuading Mr. Lars Ringberg. Three years, Mr. Lars Ringberg, despite your persuasion, despite

your eloquence and despite the BJP lending a dear friend of mine Mr. Arjun Jaitley to assist the CBI has come to the same conclusion. We filed an appeal and the Prosecutor General has come to the same conclusion. What do we do? If there is a higher court, of course, we will appeal. If there is no higher court, do we appeal from Caesar to Caesar? Therefore, in Sweden, this Government has done all that is possible and if legally anything is possible, this Government will do.

Now, so far as India is concerned, our position has been consistent that the Supreme Court of India on the 27th August, 1991 had dismissed the petition of Mr. H.S. Chaudhary, it also dismissed the petitions of various political parties on the grounds of *locus standi* which is not relevant, has allowed the appeal of the CBI, set aside the judgement of the Delhi High Court and said that the FIR remains unaffected and may be proceeded according to the law. The CBI has communicated this decision immediately to Switzerland. The CBI told its lawyer, told the Swiss Department of Police and Justice. Now, a question was asked as to why Mr. Win Chadha's petition was sent. But it should have been asked as to whom it was sent. Mr. Win Chadha's petition was sent to the CBI's lawyer in Switzerland, and not to the Swiss Court, in order to keep him fully informed about the proceedings in India. Mr. Win Chadha filed a fresh petition after Mr. H.S. Chaudhary's petition was dismissed and in this petition no stay was granted and therefore, in order to keep our lawyer informed, Mr. Win Chadha's petition has been sent to Mr. Marc Bonnant and not to the Swiss Court. Our lawyer must be fully informed as to what goes on in India and we have informed our lawyer. (Interruptions) Please do not make an allegation which even you did not make when you were speaking. Mr. Win Chadha is the CBI's counsel. (Interruptions) I am sorry, Mr. Marc Bonnant is the CBI's counsel. (Interruptions)

SHRI SOMNATH CHATTERJEE: I seem to be seeing that lawyer. That un-

named lawyer seems to be looming large!

SHRI P. CHIDAMBARAM: Sir, if Opposition Members throw out names with which they are very familiar with, it is very likely for anyone to trip at any time. They have succeeded in tripping me. I acknowledge it. There is no problem. I have no hesitation in accepting that. If it is a mistake, it is a mistake.

Marc Bonnant is the CBI lawyer. Win Chadha files a petition after the Supreme Court's judgement. In Win Chadha's petition, no stay has been granted. It is the duty of the CBI to convey to its lawyer that no stay has been granted on this petition asking for this prayer. No stay has been granted. You cannot read a non-stay order without reading the petition. It is because, if the stay order has been granted, you read the stay order. If there is no stay order, Mr. Lodha, you know better than I do, you cannot read non-stay order without a petition. Therefore, the petition has been given and the facts have been stated that there is no stay order.

I have taken to heart only one allegation made here. It is an allegation attributed to an anonymous source and published in the most disreputable paper the *Dagens Nyheter*. How can you stand up and say, Mr. Jaswant Singh or Mr. George Fernandes—I cannot recall who has said—that the Government of India must take cognizance of a publication in a most disreputable paper *Dagens Nhyter*, attributing anonymous source. This paper carried a scandalous allegation against somebody and we know the circumstances, we know the persons who visited London and Geneva, who was instrumental in persuading the reporter of the paper to carry the story. You know what happened in the London court. You know what the London Court decided. You know the confessional statement made by this paper. They admitted and said categorically. I said this in Parliament as an opposition Member. They were led to believe that these facts were true. They attributed to that team.

[Sh. P. Chidambaram]

They charged the CBI team. My greatest regret at that time was that my colleague in the Supreme Court, Mr. Arun Jaitley who was a distinguished member of the BJP, unfortunately was in league and joined this team to advise or whatever manner to cause the publication of this in the newspaper. I think, he regrets it to this day. I know, he regrets. I am glad, once for all, Mr. Arun Jaitley was withdrawn from the team after that.

But the point is, if you do this kind of thing in the pursuit of truth, the path must be correct. If you try to cut corners, if you try to jump a few fences, if you try to get into alleys and by lances, you will land yourself exactly in the same manner in which the CBI team lauded itself when it planted this story through the CBI team or whatever it was. The story was planted in the *Dagens Nyheter*.

Sir, it was told here yesterday, the only moment of truth was when Shri Madhavsinh Solanki made the statement I am sure, he made an honest statement. I think, all of you in the heart of heart feel it. He is an hon. man and he made mistake and he said it. I know, privately what each one of you feels about him. That is a different matter. I only want to remind Shri Vajpayee about one thing. In the Rajya Sabha, I was then brought into the Bofors debate for the first time only by the end of 1988. Earlier, Mr. Arun Singh was handling it. I was brought into the case in 1988 end. In February, 1989, when I was in the Ministry of Home, MOU was signed, letter rogatory was signed. When I came to the debate for the first time in the Rajya Sabha, I stood up and said—after I had taken Rajiv's approval—the Government admits that monies were paid by Bofors to some persons. But Government today does not know who the recipients are. There is no evidence as of now that an Indian person or an Indian company or an Indian entity received that money. Vajpayeeji, if I remember right, you stood up and said, "You have

made an honest statement. The Government admits that Bofors has paid the money." I think, you congratulated me and I still warmly remember that word of congratulation.

The point is, it is not that we are hiding anything. It may be that sometimes we fumble and sometimes we stumble, just like everybody fumbles and everybody stumbles. We are all agree that we must find the truth. Let there be no raucour, no ill-will in this. There was one target earlier. I am not saying all of you targetted him. I agree with Shri Indrajit Gupta that he did not target him. But do not say, nobody targetted him. Hundreds of people outside, in the election platforms have attacked him and targetted him.

How many of us felt sorry? How many of us felt grieved? You referred to my eulogy to Shri Rajiv Gandhi four days after he died. Four days after he died, what can I say, Mr. Jaswant Singh? Do you want me to say that he should be prosecuted? Do you want me to say that he should be persecuted? Do you want me to say that he should be hanged? Four days later, when I wrote that eulogy to Shri Rajiv Gandhi, what I said was that Bofors inquiry against Shri Rajiv Gandhi should be stopped. I am not saying that Bofors inquiry against any other person who received money should be stopped. Shri Rajiv Gandhi is dead today. I am glad that none of you has invoked his name today. We are hurt because I believe—I may be wrong but I believe—that Shri Rajiv Gandhi is innocent. And when you targetted him in 1987, 1988, 1989 and 1990, what did you expect me to do? I have looked him in the eye and asked him and he has told me one to one in the eye "I and my family has nothing to do with the Bofors transaction." I believe him and I will believe him until I go to my grave unless you find evidence to the contrary. What is wrong with that? When Shri Mani Shankar Aiyar said that all of you were up in arms. What is wrong with that? I believe. You believe in Shri Lal. K. Advaniji. You believe in Shri Atal Bihari Vajpayeeji. I believe in Shri

Rajiv Gandhi. I believe in Shri P.V. Narashimha Rao. Should I not believe in my leaders? I believe them.

Today the search is for, who is the recipient. We are committed to that search. (Interruptions)

Please be serious. We want the recipient to be found out. But I appeal to all of you. (Interruptions) We want the recipients to be found out and it can be done only in one way. The only way is pursuing the path of law, legal procedure, and legal proceedings. There is no short-cut. Short-cuts will land you in a disaster. You will hear the Defence Minister. The Prime Minister is going to intervene.

We are committed to pursuing the truth. Let us together pursue the truth and find out.

It may take some time. It may take some weeks or months. We may come across obstacles.

SHRIBASU DEB ACHARIA: How many years you need to find out?

SHRI P. CHIDAMBARAM: There are people who consider themselves affected by these proceedings and they will place every obstacle on the way. Wisdom lies in the Government knowing who are placing obstacles and try to remove those obstacles and get at the truth. If we are faltering there, find fault with us. If we are not doing our duty, find fault with us. But don't attribute motives and I say that this Government is as committed, as anyone of you here, in pursuing the case, find the truth, find the recipients but according to law and only according to law.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): What have you done to find out the letter? (Interruptions)

SHRI BASU DEB ACHARIA: Find out the text of the letter. Where is the letter sent to the Foreign Minister of Switzerland?

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Sir, I thank you for giving me an opportunity to say a few words on this important issue. The hon. Members who preceded me have said many things. I will not go into the details nor repeat what they have said.

When I have first come across the news item that our Foreign Affairs Minister has handed over a Memo to his counterpart abroad, I really wondered when I have gone through his reply that was given in Rajya Sabha and his statement made on the floor of this House, I was really perturbed.

When we go abroad on some delegation, the officials belonging to Foreign Affairs Ministry will be telling us "We have to act like this. You should not speak any word which is contrary to the interest of our country." They give some advice. I wonder Mr. Madhavsingh Solanki who was an ex-Chief Minister of a State and who was a very senior leader, could have handed over a letter from a private lawyer to his counterpart in Switzerland of course, he has confessed. This has happened on 1st February. But for the fact that this matter has come in the Press, it would have gone unnoticed. And, that objective with which that memorandum was handed over to that Swiss Foreign Minister there would have been served. I would like to know from the hon. Prime Minister certain things. I would like to say that the resignation of Shri Madhavsingh Solanki is not the end of the matter. What has this Government done to find out who is the person who has handed over that letter to him? What are the contents of that memorandum? Has the Government obtained it? I want the hon. Prime Minister or hon. Defence Minister to clarify when they speak later as to what are the contents of that note. As long as you do not do that, the needle of suspicion will point at you. There is no doubt about it. The needle of suspicion will point towards this Government. Now, Shri Madhavsingh Solanki might have been made a scapegoat. But I hope this Government is in the know of all the things. So, in

[Sh. Sobhanadreeswara Rao]

your own interest, kindly come out with the truth. Please inform us what are the contents of that Note. Who was the person who has given that letter? What action has this Government taken against that lawyer who has brought so much disrepute to this Government! If you really feel so, you should act.

When Shri Mani Shankar Aiyar and Shri P. Chidambaram were speaking they said that the late Shri Rajiv Gandhi's Government had done so much to unearth the truth. But I was also a Member of the Eighth Lok Sabha. I have not yet forgotten the moments when that Government conscientiously tried to bury the truth. As far as this is concerned I would like to go on record. (*Interruptions*) Please let me say. Under the provision that secrecy has to be safeguarded, this Government has not tried to find out the truth. There is a proverb which says that the patient wants to die and the doctor also wants the patient to die. The Company which has paid the commissions, which has bribed some people is left free. The Government says that it has categorically informed Bofors and the other Companies which are to supply the arms that they should not employ any middlemen and no commission should be paid. Initially, you have not come out with the truth. Even when the JPC was conducting the proceedings much of the truth was concealed. It was only after the great newspaper. The *Hindu* had brought out the facts, it was clearly established that commissions were paid. What has this Government done in this regard? I would like to know about it from the hon. Minister Shri Chidambaram and his colleagues. I would also like to say that the former Chief Minister of the Army Staff said subsequently that a person who was as Defence Secretary at that point of time has scuttled some advice given by the Chief of the Army Staff to the then Government to threaten the Bofors to come out with the truth, to fully reveal who are the persons who have received the commis-

sions. The Chief of the Army Staff further wanted to threaten the Company stating that it would be causing breach of contract and so it is liable to lose the contract of the Government and the Government would not give this contract; so it need not supply the guns. That advice was given by the then Chief of the Army Staff. But it was scuttled by the Defence Secretary who was later given the Governorship of a State. That is how you have honoured him; that is how you have helped the person who has served your purpose. The Commerce Minister has said so many things about the lapses which have taken place during the NF Government. All right. I would like to seek a clarification from this Government. If they are really serious about it, what have they done about it during the last few months? He has narrated about how Shri Jaswant Singh suggested about so many things. But what has your Government done in regard to those people who have obtained the commissions, the Hinduja and Win Chadhas? Now we have read in the papers that one of the gentlemen is again trying to build up some financial empire in our country. What has this Government done to stop such expert? What efforts have this Government made to receive back that amount which was given to those people against the provisions of the contract? Ultimately, the burden has fallen on the people of this country. At that point of time when the JPC was enquiring the Nobel company, which was a private company, there was a secrecy clause at that time. But now that secrecy clause does not operate. So, let our Government try its best to find out the truth to get the truth before the end of this month. Otherwise, this five year period is going to lapse.

Shri Lodha has said about the copy of the petition that was filed by Shri Win Chadha in the Delhi High Court. Is it not precisely their intention to delay the proceedings, to delay the investigation? Actually, the cantonal court would have given the judgement by October, 1991. But because of certain intentional action of the Government it could not be done.

(Interruptions)

MR. SPEAKER: Please conclude. All these points have been made already.

SHRI SOBHANADREESWARA RAO VADDE: They are trying to scuttle the investigation, they are trying to bury the truth. I demand from this Government to find out the truth directly before the end of this month. Otherwise, those people who have received the commissions will escape the criminal action as per the provisions of the act in the country.

I also demand that the Prime Minister or the Defence Minister in all fairness, must place the contents or the details of that note which was given by the Foreign Affairs Minister to his counterpart there and the action they have taken or they propose to take in this regard so that justice is not only done but it must appear to have been done. All these days, they have been persistently trying to bury the truth. You may be loyal to your leader. We do not question it. But the people of this country must know the truth.

There is corruption in every area. But when this Bofors scandal came up, we found that persons in the highest authority were involved in it. You must try to remove that doubt from the minds of the people of this country, at least, to make a good beginning. We have confidence that the present Prime Minister may try to do that. Let us wish that he keeps it up. (Interruptions)

MR. SPEAKER: Reddaiahji, you complete your speech within two minutes without repeating the points already made.

SHRI K.P. REDDAIAH YADAV (Machilipatnam): Sir, I am from the TD group. I am thankful to the various leaders of the House, who have spoken on this issue. And true to our traditions that a departed soul

should not be criticised and rundown, the opposition leaders and the treasury benches, have not named our departed leader, late Shri Rajiv Gandhi. And I am very thankful to Members on both the sides.

Sir, today only, after nine months, I saw when they have maintained the Indian tradition and the principles of Indian democracy.

Another thing is that after hearing both the sides, I just felt as if I was in a Supreme Court or in a High Court where both the parties have argued to their strength-point by point and one party has got 49 points and the other party has got 51 points. And the people's court will give the judgement in the coming elections.

The only point that I would like to bring to the kind notice of this House is that so many scandals have been taking place in this country. And despite a vigilant opposition, nearly Rs. 50,000 crores were deposited in the Switzerland Banks. Before that where would this Rs. 85 crores Bofors deal stand? I am not telling how many long years we have to put up or that we have to put up another ten years on this subject. The only issue that was left out was to freeze the accounts in the Switzerland banks and to get back the money and thereby withdraw all this unnecessary and complicated legal proceedings.

What were they doing when Shri Vishwanath Pratap Singh's Government was there and** ? How is it that this was not done? The main architect who was behind this Bofors issue was Shri Arun Nehru. How did you compromise with him?

Therefore, let us not go into the merits of the case. Please freeze the accounts and bring back the money and do away with all this Bofors issue. There are so many other important things. We have to keep the reali-

**Expunged as ordered by the Chair.

[Sh. K.P. Reddaiah Yadav]

ties in mind. When a vigilant opposition is there, the Government cannot scuttle the people's money. I do not want to go into these details. Let me say something on how the people of this country are understanding your proceedings. There is nothing that we have achieved after spending three hours time of the House. But the question is how long the people of this country can be engaged in such proceedings. I advise the vigilant opposition that instead of looting the money and then asking for freezing the accounts, they from the very beginning, should be vigilant and catch hold of the corrupt Ministers and corrupt officers, whoever they may be and do real service to the country.

With these words, I conclude.

SHRI CHITTA BASU (Barasat): I shall not make a speech. I would touch certain points and seek certain clarifications.

MR. SPEAKER: I think we had decided to sit upto 8 o'clock. Now we will sit for some more time and finish this.

SHRI CHITTA BASU: You may extend the House by another half an hour. (*Interruptions*)

20.00 hrs.

A suggestion has emerged from this side of the House that this House should adopt a Resolution, unanimously preferably, in order to show to the world that not only the Government of India led by the Prime Minister but all sections of the House demand that the truth should be brought out, in order to impress upon the international opinion that India cannot be ignored and they have got a vibrant democracy and the Parliament has acted in a proper way. I think there should not be any objection from the Prime Minister's side to adopt a Resolution of this nature. To

begin with, may I know the reaction of the Government to this suggestion?

Another important points has been made about the significance of April 3rd. If the hearing is not resumed on the 3rd April then our country is going to lose very significantly both in terms of prestige and in terms of finance. Therefore may I know whether the Government would immediately issue directive to our lawyers there to intimate that our Government is sincerely interested to proceed with the case and also to tell them to ignore the note which has been handed over to the External Affairs Minister of Switzerland. That will make the position more clear.

The political situation in Sweden has changed. There has been a new political climate in the country. The then ruling party, which was supporting in the cover-up operation in the case of Bofors scandal, is no longer in power. Other parties are in power and many of them are in the Government who fought for bringing our the truth in the matter of Bofors. Therefore I would like to know whether the Government would take this opportunity, namely the changed political situation, and see that effective steps are taken to bring out the truth, particularly to find out the details of the recipient of the commission.

There is a report that during Shri Chandra Shekhar's regime the Solicitor General of India Shri Anand Deve Giri was asked to see whether the name of Hinduja's which appears in the FIR could be removed. In other words, I want to know whether the name of Hinduja's is in the FIR. I would also like to know whether there was any move to remove the name of Hinduja's from the FIR. Is it also a fact whether Shri Anand Dev Giri, after examining the whole case, was of the opinion that the name of Hinduja's could not be removed?

Sir, what is the latest position in regard to that? The question was that the Hinduja's tried to get their names removed from the

FIR. Was it a fact that the lawyer-unnamed lawyer-from whom the so-called note was received by the Former External Affairs Minister was the outcome of the activities of the Hinduja in London?

I thank my friend Chandrakar. He is not merely a Member of this House, he is also the AICC (I) spokesman. He denied these remarks. I quote what did he comment, from the Indian Express of March 30, 1992.

MR. SPEAKER: Will you believe the statement made by him in the House or the statement made by him outside?

SHRI CHITTA BASU: He made the statement here. That is why, I remind him and I just draw his attention to his statement made to the Indian Express. Let him deny.

MR. SPEAKER: He has explained it. You cannot quote the newspaper; and you have to rely upon the statement which he made in your presence in the House.

SHRI CHITTA BASU: That is all right.

MR. SPEAKER: You are a very senior Member, you will understand it.

SHRICHITTA BASU: It has been quoted in his name.

MR. SPEAKER: It is different.

(Interruptions)

SHRICHITTA BASU: He has denied it? But, let me go on record what he said.

MR. SPEAKER: No. I cannot allow. It is not like this.

SHRI CHITTA BASU: I will leave that.

MR. SPEAKER: Thank you.

SHRI CHITTA BASU: My last point is this. This is the product of energy, vigour and activity of finding out the truth. The conclusion of this Report has already been quoted here. I do not like to quote it. But, had there been no vigilant Press in our country, had there been no vigilant Press outside the country, had there been no vigilant Parliament, I think, the truth that has now become available would have never been known to anybody in this country and outside. Therefore, I would earnestly request the Government. If the Government is really serious about finding out the truth, even at this late hour, what stands in the way of the Government to secure the copy of the note which has been handed over to the Government of Switzerland?

I think, if they are really sincere, it may be available and we may know the real truth about it. Sir, it is also necessary to know who was that unnamed lawyer, who was the person who introduced him to the Minister, what are his backgrounds, what are the incidents and what are the forces which were operating in order to get him introduced with the Foreign Minister of our country.

These are the few question which I want the Government or the Prime Minister to reply to, in order to put the record straight.

THE PRIME MINISTER (P.V. NARASHIMHA RAO): Mr. Speaker, Sir, we have had very detailed discussion. All the points have been answered, explanations given—what each Government did, what each regime achieved, all this has been gone into. I do not mind admitting. In fact, I do feel very strongly that what happened during the last two or three days has caused embarrassment to the Government. This embarrassment would have to be removed. After going through all the suggestions made during the debate, I find that two or three points of action have been stressed. Number one,

[Sh. P.V. Narashimha Rao]

that we should tell on behalf of the Government, the Government of Switzerland that if there has been any misunderstanding or confusion as a result of that note handed over by Mr. Solanki, that should be ignored and our position is clear. We want the proceedings to find out the truth to continue without any let or hindrance. I will see that in the next one or two hours, this message clearly goes from the Government of India. There are still 4-1/2 hours behind us. So, it should reach them in time for them to take any action whatever action they feel necessary. But I am sure this is only by way of abundant caution because the CBI, which has been dealing with the case throughout, has already taken action in this direction quite promptly. What the CBI and its lawyer and the authorities there will do, I am sure, will be in the same direction. I am proposing to do this because meanwhile the Minister has come out with a statement that he has handed over a note, and in order to remove any possible confusion because of that note, I would see that this is done.

All sections of the House are absolutely united in one thing that the truth should be found out. That is how it shall be and I would like to reiterate this. I do not wish this Government to function under a shadow. After my long experience in public life and Government, I understand this much that no Government should ever function under a shadow. So, we will take all steps. I do not agree with the allegations made by honourable Members that there has been any delay or avoidable procrastination. It has not been so. The force of the litigation, force of the case, as it has found its way, has been brought out by Mr. Chidambaram. I think, on that score, there need be no doubt whatsoever. It is my duty to satisfy the Parliament and to satisfy the people about the clear intention of the Government. From now on, I propose also, as the Minister in charge of

the CBI, to keep myself regularly informed about the progress of the case.

SHRI BASU DEB ACHARIA: Inform the House also.

SHRI P.V. NARASIMHA RAO: Sir, informing the House is a little different because while the investigation is going on, it may not always be desirable to be making statements every week or every fortnight. But that is a matter which we can go into. But at least, keeping myself informed is what I can very well do and I shall do that. We are one on this. Let it go as a clear intention of everyone in this House. The truth should be found out.

About the note, Sir, we will address the Government. This note is said to be a note handed over from one individual to another and not from one Government to another. That makes it a little different. But we will spare no efforts. We will address that Government in that matter ... (*Interruptions*) ... I am grateful to the hon. Members for their suggestions. I have not been here throughout the debate. I will go through the speeches once again and if there is anything at all that helps the Government in finding out the truth, whether it has been brought out in the reply or not, I will see to it that it is fully taken cognisance of and the needful is done. (*Interruptions*)

SHRI BASU DEB ACHARIA: Will you assure the House that that letter will be placed on the Table of the House? (*Interruptions*)

THE MINISTER OF DEFENCE (SHRI SHARAD PAWAR): Mr. Speaker, Sir, I have heard with attention the views expressed by the hon. Members who participated in today's discussion, specially those expressed by my friends on the opposite side.

The House has heard the clarifications

provided by my colleagues. Whatever doubts which may have remained, have been amply set at rest by hon. Prime Minister.

At this late hour of the day, it would not serve any purpose for me to offer an issue-wise response.

Even though I had said so in my opening statement, I would like to reassure this august House that Government remains unaltered in its commitment to the truth, and the complete truth, being determined and those found guilty being dealt in accordance with law. Towards this objective, the Government and the investigative agencies shall take prompt and effective measures, proceeding according to law and completed their task with due despatch. It shall be the Government's endeavour to pursue expeditiously and vigorously the judicial proceedings now pending in the Swill Courts.

I have also taken note of the desire expressed by hon. Members that the Government should communicate to the Swiss Government that the note handed over by the former External Affairs Minister does not in any way affect the official position of the Government. I had, in my statement, already referred to the letters written by the CBI on 24th March 1992 and 26th March 1992. Nevertheless, Government will once again communicate, in a suitable manner, to the Swiss Government that the said note has no effect whatever and it is Government's intention to pursue the proceedings before the Swiss Courts. In conclusion, I would like to sincerely thank all Members of this House who participated in today's discussion. (*Interruptions*)

SHRI BASU DEB ACHARIA: What about that note? Will you ask the Swiss Government to send back that note ... (*Interruptions*)... Will you place a copy of that note on the Table of the House? (*Interruptions*)

[*Translation*]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I would like to ask a solitary question from the hon. Prime Minister. The hon. Prime Minister said that he would once again go through all the speeches made here, because he was not present during most of the speeches. He also said that he would exploit all resources to solve this problem. But may I ask as to how far are we people ready to take a unanimous stand in the matter? That will be an ordeal for us. The External Affairs Minister was forced to resign on that note and there has been so much of discussion in the House. The hon. Prime Minister only said that he would make every effort to collect that note. I am sure he will be able to do that. But I would like to request him that when that note comes to his hand he may please place the same on the Table of the House. (*Interruptions*)

[*English*]

SHRI SÔMNATH CHATTERJEE (Bolpur): The Prime Minister should also try to ascertain the identity of that lawyer who has misled your External Affairs Minister.

SHRI BASU DEB ACHARIA: The identity of that lawyer who gave that note should be disclosed. The Prime Minister should respond.

SHRI P.V. NARASIMHA RAO: All I can say at this moment is, we have an agency; CBI is the agency. We will ask them to find out anything which is to be found out. (*Interruptions*)

SHRI SRIKANTA JENA (Cuttack): The Prime Minister has assured us that the CBI will take care of it. The CBI will take care of what? Will the CBI take care of the note? Will it look into it? (*Interruptions*)

MR. SPEAKER: Please take your seats.

The identity of views on which action has to be taken has been very very apparent. I thank for the co-operation. I declare that the House stands adjourned to meet again tomorrow the 2nd April 1992.

20.22 hrs.

*The Lok Sabha then adjourned till Eleven
of the Clock on Thursday, April 2, 1992/
Chaitra 13, 1914 (Saka).*