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REPORT OF THE COMMITTEE TO INQUIRE
INTO THE MISCONDUCT OF MEMBERS OF
LOK SABHA

FOURTEENTH LOK SABHA

THIRD REPORT

(Presented to the Speaker, Lok Sabha on 10 September, 2008)

(Laid on the Table on— October, 2008)
(Adopted by the House on— October, 2008)



LOK SABHA SECRETARIAT
NEW DELHI

October, 2008/Asvina, 1930 (Saka)

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PERSONNEL OF THE COMMITTEE TO INQUIRE INTO MISCONDUCT OF
MEMBERS OF LOK SABHA

(14TH LOK SABHA)

Shri V. Kishore Chandra S. Deo — *Chairman*

MEMBERS

2. Shri Gurudas Dasgupta
3. Shri Anant Gangaram Geete
4. Shri C. Kuppusami
5. Prof. Vijay Kumar Malhotra
6. Shri Shrinivas Patil
7. Mohammad Salim
8. Shri Braja Kishore Tripathy
9. Shri Rajesh Verma
10. Shri Devendra Prasad Yadav
11. Prof. Ram Gopal Yadav

SECRETARIAT

1. Shri V.K. Sharma — *Additional Secretary*
2. Shri Ravindra Garimella — *Deputy Secretary*
3. Shri Ashok Sajwan — *Deputy Secretary-II*

THIRD REPORT OF THE COMMITTEE TO INQUIRE INTO THE MISCONDUCT
OF MEMBERS OF LOK SABHA

I. Introduction and Procedure

I, the Chairman of the Committee to Inquire into the Misconduct of Members of Lok Sabha having been authorized by the Committee to submit the Report on their behalf, present this their Third Report to the Speaker, Lok Sabha on the matter of alleged misconduct arising out of commission of offences by Shri Babubhai K. Katara, MP under provisions of the Indian Penal Code and the Indian Passports Act.

2. The Committee held nine sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. The Committee at their first sitting held on 29 May, 2007 took note of the matter which was referred to the Committee and decided to defer its consideration as the member was then under judicial custody.

4. The Committee at their second sitting held on 19 March, 2008, held preliminary deliberations on the matter. As Shri Katara was still in judicial custody, the Committee decided to meet again on 1 April, 2008 to decide the future course of action in the matter.

5. At their third sitting held on 1 April, 2008, the Committee further deliberated upon the matter. The Committee noted that the matter was kept pending as Shri Katara was under detention in judicial custody. The Committee directed the Secretariat to obtain the latest status in the matter from the Delhi Police for consideration of the Committee.

6. The Committee at their fourth sitting held on 11 April, 2008 further deliberated upon the matter and considered the latest status report in the matter which was furnished by Delhi Police. The Committee decided that since Shri Katara was still in judicial custody, consideration of the case might be kept in abeyance for a while and in the meantime development in the matter be watched.

7. The Committee at their fifth sitting held on 29 May, 2008 further considered the matter and noted that Shri Katara had since been released on bail by the Court. The Committee after some deliberation decided to take evidence of Shri Katara on 23 June, 2008.

8. At their sixth sitting held on 23 June, 2008 the Chairman informed the members that a communication had been received from Shri Katara who had been requested to appear before the Committee to give his evidence, intimating that he would not be able to appear for evidence due to his illness and as he was admitted in a nursing home. The Committee decided to give Shri Katara another chance to appear before them for oral evidence.

9. The Committee at their seventh sitting held on 14 August, 2008 further deliberated upon the matter. The Chairman apprised the members that Shri Katara who had been requested to appear before the Committee for oral evidence had neither come nor sent

any intimation explaining his non-appearance. The Chairman further informed the members that though at the last sitting of the Committee Shri Katara did not appear for giving his evidence due to his reported illness, it was seen from the Secretariat records that he had been attending the sittings of a Standing Committee of which he was a member and had also attended its study tours. The Committee decided to give him one last opportunity to appear before them for evidence. The Committee directed that a communication be addressed to Shri Katara giving details of all the allegations made out against him in the police report, requesting him to give his replies thereto and also informing him that in case of his failing to appear before the Committee for oral evidence on the next date the Committee would be free to decide the matter on the basis of documents available on record. The Committee then directed the Secretariat to again ascertain from Delhi Police the present status of the investigation as well as to furnish the relevant documents of Shri Katara's case, parting of which would not affect their investigation process.

10. The Committee at their eighth sitting held on 26 August, 2008 further deliberated upon the matter. The Chairman informed the members that a fax communication had been received from Shri Katara, who had been requested to appear for oral evidence, stating that due to his ill-health he was unable to appear before the Committee for giving evidence and that he had sought time upto middle of December, 2008. The Committee also noted that in the said communication Shri Katara had denied all the charges made against him. As the Committee felt that Shri Katara was evading appearance before them, they decided not to give any further opportunity to Shri Katara for appearing before them for tendering evidence. The Committee directed the Secretariat to prepare a draft Report in the matter on the basis of documents and material available for their consideration.

11. The Committee at their ninth sitting held on 8 September, 2008 considered their draft Report and adopted the same. The Committee authorized the Chairman to present the Report of the Speaker on their behalf.

II. Facts of the case

12. On 18 April, 2007, a communication was received from the Deputy Commissioner of Police, Indira Gandhi International Airport Unit, New Delhi intimating about arrest of Shri Babubhai K. Katara, MP, on 18 April, 2007 under sections 419/420/468/471/120-B of IPC and section 12 of the Indian Passports Act for trying to illegally take two persons (one woman and a boy) abroad on the passports of his wife and son.

13. As required under the provision of Rule 231 of the Rules of Procedure and Conduct of Business in Lok Sabha, the above information was published in Lok Sabha Bulletin Part-II dated 19 April, 2007 *vide* para No. 3511¹.

14. Thereafter, there were reports in electronic media and newspapers that Shri Babubhai K. Katara had been remanded by the Court to police custody for ten days. It was also reported that a few more arrests had been made in connection with the case and that names of some more members of Lok Sabha had been taken by one of the persons arrested by the police.

¹Please *see* Appendix I.

15. On 25 April, 2007 at the meeting of the Speaker with the Leaders of Parties in Lok Sabha, during deliberations some leaders raised the issue regarding arrest of Shri Babubhai K. Katara. It was agreed upon that the matter might be decided at a separate meeting of Leaders of Parties in Lok Sabha with the Hon'ble Speaker which may be held later on.

16. On 26 April, 2007 Hon'ble Speaker made the following observations in the House:

"Hon'ble Members, on 18 April, 2007 a communication was received in my office from the Deputy Commissioner of Police, Indira Gandhi International Airport Unit intimating about the arrest of Shri Babubhai K. Katara, M.P., under various sections of the Indian Penal Code and the Passport Act. The Member concerned is now under police custody.

I discussed the matter with the Hon'ble Leaders of different parties yesterday and it was unanimously agreed that the House should not only express its concern but should also condemn the commission of the alleged offence by the Member of this august House. Accordingly, on behalf of the House and on my behalf, I strongly disapprove the conduct of the Member and condemn the same.

I wish to state that the House is distressed and expresses its firm determination to take all necessary action, so that the dignity of the House is not tarnished.

Considering the gravity of the situation, I propose to hold a meeting of the Hon'ble Leaders of different parties in the House, so that a course of action can be decided upon as to how such matters may be dealt with in future so that the prestige of this great Institution is upheld.

In these circumstances, I request Shri Katara not to attend the sittings of the House till the matter has been deliberated upon by the leaders and a decision is taken."

17. On 30 April, 2007 a communication was received from the Deputy Commissioner of Police, Crime & Railways, Delhi intimating about remand of Shri Babubhai K. Katara to police custody on 19 April, 2007 till 30 April, 2007 by the court of ACMM, New Delhi. It was further intimated that on 30 April, 2007 the member had been remanded to judicial custody till 4 May, 2007 by the said court.

This information too was published in the Lok Sabha Bulletin Part-II dated 1 May, 2007 *vide* para No. 3579².

18. On 21 May, 2007, the Speaker, Lok Sabha, while referring the matter of the Committee to Inquire into Misconduct of Members of Lok Sabha, passed the following order:—

"The matter arising out of the arrest of Shri Babubhai K. Katara, MP for alleged offences under the provisions of the Indian Penal Code and the Passport Act is referred to the Committee, subject to the result of the pending investigation and proceedings, if any, arising thereon in any competent Court of Law and the decision given by such Court. The Committee is requested to please take note of the fact that the Lok Sabha cannot interfere with the pending investigations and proceedings

²Please *see* Appendix II.

and may not take a decision which will impinge on the pending investigation and proceedings, if any. Further, it may be taken note of that the concerned MP is now in custody and obviously cannot take part in any proceedings before the Committee. In view of the above, the Committee may please take such decision as it may think fit and proper, subject to the observations made in the House on 16 May, 2007 regarding the procedure to be adopted."

Status Report furnished by Delhi Police regarding the case against Shri Babubhai K. Katara, MP, on the direction of the Committee

19. The Deputy Commissioner of Police (Crime & Railways), New Delhi who was requested, as directed by the Committee, to furnish the status report regarding the case against Shri Babubhai K. Katara, MP *vide* his letter³ dated 9 April 2008 stated as follows:

"Accused Babubhai K. Katara got visa for himself, his wife Sharda Ben Babu Katara and eldest son Rajesh Babubhai Katara from Canadian High Commission for the period from 10.3.2007 to 15.9.2007 *vide* his letter dated nil addressed to Visa Officer, Canadian High Commission. He also requested visas for his youngest son Rakesh Babubhai Khima Katara and daughter Priya Babubhai Khima Katara to accompany him to Canada. Investigation disclosed that accused Shri Babubhai Katara has no children by the names of Rajesh Babubhai Khima Katara, Rakesh Babubhai Khima Katara and Priya Babubhai Khima Katara. It proves that he had full knowledge of these fictitious passports, which he fraudulently procured, and used/ intended to use for the persons who are not his children in order to carry out illegal human trafficking for personal financial gains.

The aforesaid fictitious passport of Rajesh Babubhai Katara was used to illegally migrate Amarjeet Singh to Toronto on 18.4.2007. In this connection separate charge sheet has been filed *vide* case FIR No. 169/07 in Juvenile court as the said Amarjeet is a minor.

During perusal of the statements of accounts of accused Babubhai Katara and his family members, it was found that on 9.4.2007, cash of Rs. Four Lac was deposited in FDR Account No. 633 in Vyapar Udyog Vikas Sahkari Bank Ltd., Dahod, Gujarat Besides this, Rajender Kumar Gampa also provided 1000 US dollars, which were seized from his personal search at the time of arrest on 18.4.2007. The said US dollars were exchanged at IGI Airport for Rs. 51400/-.

As aforesaid, accused Babubhai K. Katara got six passports issued to the persons disclosed to be his children to the Regional Passport Office in Delhi. Investigation has, however, established that he has only three children by the names of Bhavesh, Gayatri and Amit whereas Rakesh, Rajesh and Priya are non-existent and fictitious persons. For getting passports in their names, he had used forged documents like birth certificates. Even the three passports issued in the names of his real children have been proved to be forged for the reason that they bear photographs of some other persons. This shows mensrea for them for the purpose other than genuine like illegal human trafficking. These passports were obtained on the

³Please see Appendix III.

basis of false declarations and fake documents submitted by the accused Babubhai K. Katara. All these passports were issued on tatkaal basis. Investigation revealed that photograph on the visa application of Sharda Ben Babubhai Katara submitted in the US Embassy does not match with the photograph on the passport itself. US Embassy Delhi in its letter dated 27.4.2007 intimated that Babubhai K. Katara and Sharda Ben Babubhai Khima Katara had also applied for US Visa on 28.8.2001 at Mumbai, which was not granted and Babubhai Katara was asked to apply at US Embassy, Delhi. The oral evidence recorded under the provision of section 164 Cr P.C of Sheikh Mohd. Hatim Ali also proves this fact.

Investigation proved that Babubhai K. Katara illegally trafficked three other women besides the present accused Mrs. Paramjeet Kaur *i.e.* first to USA on 10.12.2005, second to Toronto (Canada) on 22.9.06 and third to UK on 8.12.06 under the name of his wife Sharda Ben Babubhai Khima Katara and using her diplomatic passport and two children besides Amarjeet Singh *i.e.* first to Toronto on 22.9.06 and second to UK on 8.12.06 under the name of his fictitious and non-existent son Rajesh Babubhai Katara and one Niyamat brother of the accused Satwant @ Santu to UK on 8.12.06 on his own passport No. E-164471 but falsely recommending him as his personal aide for facilitating visa whereas he had no staff attached as aforesaid. Further these persons though have not returned back to India yet the passports seized show their arrival at IGI Airport, which were forged to dupe the Immigration authorities. These passports with valid visas were deliberately retained with the sole objective of trafficking other subjects illegally in future under their names since it would have facilitated to use the same visa till the date of its validity for personal financial gains..."

20. As directed by the Committee, the Deputy Commissioner of Police, Headquarters, Delhi *vide* his communication dated 28 August, 2008 furnished the latest status report⁴ regarding the case against Shri Katara as follows:

"On 18.04.2007, the Immigration officials detained Shri Babubhai K. Katara, MP Lok Sabha at IGI Airport when he was in the process of going to Toronto on his diplomatic passport and the visa along with one lady and a boy. The lady was holding the diplomatic passport issued in the name of Mrs. Sharda Ben Babu Bhai Katara w/o Babubhai K. Katara having photograph of some other lady who was not travelling on that passport. Similarly the visa having a different photograph which did neither resemble with photograph affixed on passport nor with the lady who was travelling on the passport. The boy was also travelling on the passport issued in the name of Rajesh Babubhai Katara s/o Sh. Babubhai K. Katara having photograph of another boy. The visa was also having a different photograph. On suspicion they were stopped from boarding the flight AI-187 to Toronto. Upon enquiry, it was revealed that real names of the lady and the boy accompanying Sh. Babubhai K. Katara were Mrs. Paramjit Kaur and Amarjeet Singh @ Sunny both resident of Punjab and both of them were being taken to Toronto, Canada by Sh. Katara in lieu of money. All were apprehended and on the complaint of the Immigration officer, cases *vide* FIR Nos. 168/07 & 169/07

⁴Please see Appendix IV

u/s 419/420/468/471/120B IPC r/w section 12 of Indian Passports Act, PS IGI Airport, were registered. The local police arrested all the three accused persons mentioned above. During investigation on 19-4-07, the accused persons were produced before the court and 10 days police custody remand of accused Babu Bhai Katara and four days police custody remand of Paramjit Kaur was obtained, while Amarjeet Singh was sent to judicial custody by the Juvenile Court.

On 19.4.2007, the case was transferred to Crime Branch for further investigation. During the course of investigation/interrogation, it was disclosed by Babubhai Katara that one Rajender introduced these persons to him and one Sunder Lal Yadav introduced Rajender to him. Accordingly on 20.4.07, accused Rajender Kumar Gampa along with his associate Kiran Dhar were arrested.

A number of incriminating documents including 27 passports were recovered from their possession. Upon interrogation it was revealed by accused Rajinder Kumar Gampa that Paramjit Kaur and Amarjeet were introduced to him by two Punjab based travel agents namely Kuldeep and Santu and a total sum for Rs. 36 lacs was agreed to be paid for sending these persons abroad. Out of which 14 lacs were to be paid to Babubhai Katara with Rs. three lacs in advance. The disclosure of the financial aspect involved and collusion of accused Babubhai Katara with unscrupulous agents like Rajender Kumar Gampa and Sunder Lal Yadav is established by the fact that on 18.4.2007, at the time of arrest, accused Babubhai Katara was found in possession of three cheques duly issued and signed by Sunder Lal for a sum of Rs. 3,00,00/-, 4,00,000/- and 1,00,000/- respectively of Standard Chartered Bank which amount was to be paid by the agent Rajinder Gampa after completion of work of Babubhai Katara *i.e.* when Mrs. Paramjit Kaur and Amarjeet Singh reach Toronto safely.

Investigation has revealed that Shri Babubhai Katara illegally trafficked three women on 10.12.2005 to USA, on 22.09.2006 to Toronto (Canada) and on 08.12.06 to UK under the name of his wife Sharda Ben Katara and two children in the names of his sons to Toronto and UK and one Niyamat brother of the accused Satwant @ Santu recommending him as his personal aide whereas his family members have never been to any foreign country so far. Further these persons though have not returned back to India yet the passport seized show their arrival at IGI Airport, which were forged to dupe the immigration authorities. These passports with valid visas were retained with the sole objective of trafficking any subject illegally under his name since it would have facilitated to use the same visa till the date of its validity for personal financial gains.

The mobile phone call detail record of the Shri Babubhai Katara, Sunder Lal Yadav, Rajender Kumar Gampa, Kuldeep @ Manjeet, Kiran Dhar, Satwant @ Santu has been collected which revealed that he remained in constant touch with the co-accused persons prior to and on the date of incident. Other call details are being verified to establish whether he was having dealing with any other unscrupulous agent. The details of the telephone/mobile numbers appearing in these call details have been collected from the service providers which provide vital information on the links of Shri Katara to the persons involved in human trafficking.

Accused Rajender Kumar Gampa disclosed that in the beginning of the year 2006 one Shri Nagender introduced him to the Shri Mitra Sen Yadav, MP. He told him about human trafficking. Shri Mitra Sen Yadav agreed to work with him. At the residence of Shri Mitra Sen Yadav he met one Shri Shiv Partap who introduced him to one Shri Raj Nath, PA of Shri Mohd. Tahir Khan, MP. Shri Raj Nath introduced him to Shri Mohd. Tahir Khan, MP. Shri Khan also agreed to work with him for handsome amount.

On 1.7.2006 he and Shri Mohd. Tahir Khan took one Ranjeet (as a personal aide to the MP) to London illegally. Kuldeep was also involved in this deal. They earned Rs. 4.5 lacs in the matter out of which MP was paid Rs. Two lacs and he kept Rs. One lac. On 16.8.2006 he and Shri Mitra Sen Yadav took another Ranjeet to London illegally. Shri Kuldeep was also involved in this deal. They got Rs. Five lacs in this dealing. The member was paid 2.5 lacs and he earned Rs. One lac. After that Shri Shiv Partap introduced him to one Shri Sunder Lal Yadav who introduced him to Shri Babubhai Katara. Shri Katara also joined hands with him. On 22.9.2006 Shri Katara took a lady from Punjab to Toronto, Canada on his wife Sharda Ben's passport. In this deal agents Santu, Kuldeep, Sunder Lal and Shiv Partap were also involved. They earned Rs. 22 lacs in the deal. Shri Katara was paid Rs. 15 lacs through Sunder Lal while he earned Rs. 2 lacs from the deal. Again on 8.12.2006 Shri Katara took a lady, a child and one Niyamat (as his personal aide) to U.K. illegally. Sunder Lal, Shiv Partap, Santu and Kuldeep were also involved in deal. They earned Rs. 14 lacs out of which MP was paid Rs. 12.5 lacs through Sunder Lal and Shiv Partap. After that he came in the contact of MP Ashok Kumar Rawat. On 9.2.2007 he, Raj Nath and Shri Ashok Kumar Rawat, MP, took one Shri Sandeep (as a personal aide) to UK. Shri Rawat was paid Rs. 2 Lacs while he earned Rs. one lac in the deal.

During the course of investigation, it was found that Shri Katara got prepared three passports in the name of his real children Bhavesh Katara (PPNo. B-5079078) Amit Katara (P.P. No B5078062) and Gayatri Katara (PPNo. B-5078080) in the year 2000. During investigation, it was found that photographs on the passport application forms are not of his real children. Further more, the birth certificates of both Bhavesh Katara and Gayatri Katara were found forged during verification. It is pertinent to mention here that the statement of one Shri Shiekh Mohd. Hatim Ali u/s 164 Cr. P.C. is very crucial that how Shri Katara in conspiracy with co-accused Sunder Lal Yadav had managed to get prepared these forged passports in lieu of money *i.e.* Rs. 2.5 lacs per passport.

Shri Babubhai Katara has been deeply involved in illegal human trafficking is established by the fact that he was found in possession of two illegally prepared passports in the name of Rakesh Babubhai Katara and Priya Katara which were obtained after fraudulently disclosing as his son and daughter to the appropriate authorities whereas, investigation has revealed that he does not have any children by the names of Rakesh and Priya. Furthermore, these passports carry valid visas for Canada and UK. This clearly establishes his culpability and modus operandi for illegally trafficking the subjects to foreign countries. In addition,

the passport of Shri Niyamat who was illegally taken to UK on 8th December 2006 (as a personal aide to Shri Katara) was also recovered from the possession of Shri Babubhai Katara at the time of his arrest on 18.04.2007 whereas the same should have been with Shri Niyamat. This was retained with the sole objective of trafficking another person illegally under his name since it would have facilitated to use the same visa till the date of its validity for pecuniary benefits. The persons for whom the alleged passports were fraudulently obtained are yet to be identified and interrogated. Only two persons out of five illegally trafficked abroad by the accused have been identified so far and investigation to identify the remaining is yet to be completed.

Shri Katara and his family members are maintaining 15 accounts with different banks situated at Dahod Gujarat and in Delhi. Their scrutiny shows heavy financial transactions. His family member withdrew over Rs. Four lacs immediately after his arrest, which shows the conduct of Shri Katara and his family members.

After completion of the investigation against the arrested accused persons except Rasheed Ali charge sheet has been filed on 16.07.2007 in the concerned court within the stipulated time period of 90 days. However, investigation of the case has also been kept pending u/s 173(8) Cr. PC against the remaining accused persons.

During the further course of investigation one more accused namely Mohd. Shameem @ Shakeel s/o Mohd. Azam was also arrested on 30.07.2007. On thorough interrogation, he disclosed that he is deeply involved in the illegal human trafficking since 2001. Mostly he used to send skilled/professionals to USA on H-1B visa but this was not lucrative as compared to the illegal trafficking of Indian citizens. Thus he made contacts with local agents including Raju Pitty, Pritesh Pitty, Azhar, Aizaz & Rashid etc. and developed relations with agents of Delhi for this purpose. Accused Sunder Lal Yadav was introduced to be a conduit between politicians/MPs and agents and was competent to procure recommendation letters required for facilitating visa. Thus he took full advantage of the relations of Sunder Lal Yadav in illegal human trafficking and minting money along with his associates Raju Pitty and Rashid etc. of Hyderabad and agents like Bharat Bhai of Gujarat during 2005-06. He disclosed that he sent nephew of his associate Raju Pitty and younger brother of Pritesh Pitty as Pritesh Koli s/o Ram Swaroop Koli, MP along with one lady and two other children who were arranged by Raju Pitty from Gujarat. He arranged the passports and visas for these emigrants through Sunder Lal Yadav and Sh. Ram Swaroop Koli and he paid Rs. 18 lacs to Sunder Lal Yadav for Ram Swaroop Koli.

During his interrogation, he has admitted his links with Mohd Tahir Khan, MP, and link of co-accused Rasheed with Mohd Tahir Khan, MP and disclosed his involvement in this case. During interrogation he has disclosed about the hideouts of his associates Raju Pitty, Aizaz, Pritesh Pitty all Hyderabad based agents. Ten days' police custody remand of accused Mohd. Shameem @ Shakeel mentioned above was obtained on 01-08-2007 and raids were conducted at Hyderabad in search of Rajender Pitty, Pritesh Pitty and Aizaz etc. but none of

them (was) found there. On 28-8-2007, a supplementary charge sheet against Mohd. Rasheed and Mohd. Shameem @ Shakeel was filed in the court of ACMM, New Delhi.

Further progress in investigation after filing of charge sheet

1. During investigation all the family members of Shri Babubhai Katara *i.e.* Smt. Sharda Ben Katara, wife, sons Bhavesh and Amit and daughter Gayatri joined investigation and were interrogated at length. They all pleaded innocence. Their photographs and handwriting were obtained. The photographs of the children do not match with the photographs on the passports which were got prepared by Shri Babubhai Katara.
2. During investigation, an advertisement containing photographs of passengers and passport holders taken or intended to be taken abroad were got published in Delhi, Hyderabad and Gujarat. Two persons whose passports were got prepared by Shri Katara as his son Amit and daughter Gayatri has been identified as Nilesh Patel s/o Nathalal Patel r/o D-4, Deepak Flats, Ahmedabad and Mrs. Milan @ Parul D/o Vishnu Bhai presently residing in California (USA). It is already on record that the passports got prepared by Shri Katara in the name of his real children were never used for travelling purpose. Efforts are being made to trace the remaining passengers.
3. Reminders have been sent to US Embassy through MEA to provide original visa application forms of the MPs and their family members namely Shri Babubhai Katara, Mohd. Tahir Khan, Ram Swaroop Koli, but the same are still awaited.
4. During investigation original travel documents were requested from Parliament House in respect of Shri Ashok Kumar Rawat, Shri Ram Swaroop Koli, Shri Mohd. Tahir Khan and Shri Mitra Sen Yadav, MPs for comparison of handwriting with questioned documents. On 3-7-2008, the FSL experts took photographs of original documents at the Parliament House Annexe for comparison with question documents.
5. During the course of the investigation raids have been conducted on the available addresses and possible hideouts of the absconding accused persons namely, 1. Raju Kumar Pitty @ Raju Pitty 2. Pritesh Pitty 3. Aizaz Moinuddin 4. Joginder @ Maddi & 5. Kuldeep. Despite best efforts all are at large missing. An application has been moved before the trial court for issuing NBWs against them which is still pending in the trial court.
6. In the report received from the FSL, Rohini, Expert has mentioned to send some more specimen of accused Rejinder Kumar Gampa along with other documents pertaining to all 5 MPs. The original documents from US Embassy are awaited for the same. While the application for more specimen handwriting of accused Rajinder Kumar Gampa is pending decision in the trial court of Sh. A.K. Kuhar, ACMM, New Delhi.'

All the accused persons are now on court bail. In the trial court of Sh. A.K. Kuhar, ACMM, the next date of hearing has been fixed for 1.12.2008 for

arguments on charge. However, investigation of the case has also been kept pending u/s 173(8) Cr. P.C. against the remaining accused persons. The photocopies of the FIRs are also sent herewith for ready reference.

III. Findings and Conclusions

21. The matter for examination before the Committee owes its genesis to the arrest of Shri Babubhai K. Katara, MP on 18 April, 2007 on the charge of being involved in human trafficking. At the very outset the Committee would like to point out that this case involves an alleged misconduct by a member, which also amounts to criminal offences. As directed by the Speaker, Lok Sabha while referring the matter to the Committee and also with a view not to come in the way of criminal investigation by the concerned law enforcing agencies, barring some preliminary deliberations, the Committee proceeded further in the matter only after release of Shri Babubhai K. Katara on bail on 25 May, 2008.

22. The Committee note that Shri Katara is being mainly proceeded against under the provisions of the following penal laws:

India Penal Code

Section 419: Punishment for cheating by personation

Section 420: Cheating and dishonestly inducing delivery of property

Section 468: Forgery for purpose of cheating

Section 471: Using as genuine a forged document

Section 120B: Punishment of criminal conspiracy

Indian Passport Act

Section 12: Offences and Penalties for knowingly furnishing any false information or suppressing any material information with a view to obtaining a passport or travel document.

23. The Committee find it pertinent to emphasize at this juncture that it is not the Committee's remit to investigate or go into the criminal charges against Shri Katara which come under the premise of police authorities/investigating agencies. The Committee would only confine their examination to the issue of alleged misconduct by Shri Katara arising out of misuse of facilities and courtesies which were made available to him by virtue of his being a member of Parliament, *viz.*, diplomatic passports issued to him and his wife, etc.

24. The Committee were deprived of Shri Katara's testimony as despite having been given three opportunities, he did not appear before the Committee for evidence. Before giving Shri Katara the third and final opportunity, it was emphasized in categorical terms that in the event of his not appearing for evidence on the said date, the Committee would be constrained to go ahead with their investigation and examination of the matter. As Shri Katara did not avail this opportunity, the Committee proceeded to decide the matter on the basis of documents on record *viz* (i) Communication dated

18 April, 2007 received from Deputy Commissioner of Police, Indira Gandhi International Airport Unit, New Delhi intimating about arrest of Shri Katara; (ii) Communication dated 30 April, 2007 received from DCP, Crime & Railways, Delhi intimating about remand of Shri Katara in judicial custody; (iii) Communication dated 9 April, 2008 received from DCP (Crime & Railways) intimating about status of investigation against the member; (iv) Communication dated 28 August, 2008 received from the Deputy Commissioner of Police, Headquarters Delhi intimating the latest status of investigation against the member.

25. The Committee find that as per information received from the Deputy Commissioner of Police, Indira Gandhi International Airport unit, New Delhi dated 18 April, 2007, Shri Katara was arrested on 18 April, 2007 under sections 419, 420, 468, 471 and 120-B of IPC and section 12 of Indian Passports Act for trying to illegally take two persons (one woman and a boy) abroad on the passports of his wife and son.

The Committee have also taken note of deposition made by DCP Shri Madhup Kumar Tewari, Deputy Commissioner of Police, Crime & Railways, Delhi Police before the Committee of Privileges* on 18 January, 2008 in the matter relating to a request made by Delhi Police for some documents pertaining to Shri Babubhai K. Katara and four other members. The concerned DCP while explaining the circumstances under which Shri Katara was arrested *inter alia* stated as follows:

"The matter relates to an incident which occurred on 18 April, 2007 when an emigration official detained hon. Member of Parliament, Shri Babubhai K. Katara at Indira Gandhi International Airport when he was in the process of going to Toronto, Canada. It was found that he was being accompanied by a lady who was carrying the passport which was issued in the name of the....wife of the hon. Member and also, there was a 14-year old child who was carrying the passport issued in the name of Rajesh Babubhai K. Katara, who is the son of the hon. Member of Parliament. It was later found that the lady was actually one Paramjit Kaur and the child was one Amarjit Singh and they both were from Punjab and actually were not the persons in whose names the passports were issued. On this, two cases were registered....both these cases were registered under sections 419, 420, 468, 471 and 120B IPC read with section 12 of Indian Passports Act...."

26. The Committee have also taken note of communications received from the Deputy Commissioner of Police, Headquarters, New Delhi dated 9 April 2008 and 28 August, 2008 detailing the allegations against Shri Katara which have already been reproduced above.

27. The Committee find that in the matter under examination primarily the following facts emerge from police report:

- (i) Shri Babubhai K. Katara, MP was detained on 18 April, 2007 at Indira Gandhi International Airport while he was in the process of going to Toronto on his diplomatic passport and the visa along with one lady and a boy.

*10th Report of Committee of Privileges (14 LS) Laid on the table of the House on 27 February, 2008 and adopted by the House on 28 February, 2008.

- (ii) The woman in question was holding the diplomatic passport issued in the name of Smt. Sharda Ben Babubhai Katara wife of Shri Katara. The photograph thereon did not resemble with that of the woman possessing the said diplomatic passport.
- (iii) The boy in question was travelling on the passport issued in the name of Master Rajesh Babubhai K. Katara son of Shri Babubhai K. Katara having a photograph of another boy. The visa also had a different photograph.
- (iv) Investigations revealed the identity of the woman as Smt. Paramjit Kaur and that of the boy as Amarjit Singh.
- (v) Hence Shri Babubhai K. Katara was trying to illegally emigrate a woman and a child personating them as his wife and son under the passport/visa belonging to them.

28. Diplomatic passport is a facility extended to members of Parliament by the Ministry of External Affairs. Further certain courtesies at security checks, emigration and immigration counters at airports in the country are also extended to various dignitaries including members of Parliament by concerned authorities. Such facilities and courtesies are sort of 'gestures of deference'.

29. The common thread running through the facts emerging from the police report (para 27 above) is that Shri Katara is alleged to have misused the facilities made available to members of Parliament by using a fake diplomatic passport made in his wife's name bearing the photograph of some other lady; he is also alleged to have tried to misuse the facilities/courtesies normally extended to members of Parliament at airports in the country as stated above.

30. As already stated, the Committee would not like to go into the merits of criminal charges made against the member which the police authorities would have to ultimately establish in a court of law. The Committee are primarily concerned with the alleged misconduct committed by the member.

Making a fake diplomatic passport in his wife's name can have no motive other than to indulge in human trafficking. Whether he actually succeeded on previous occasions in unlawfully emigrating persons abroad or whether he was actually trying to take some other lady aboard on this occasion are matters to be adjudicated, upon by the court. For the purpose of investigation by this Committee, what is material is, that Shri Katara did misuse the facilities made available to him by getting a fake diplomatic passport made in his wife's name.

31. The Committee are of the considered opinion that this attempt of Shri Katara amounts to an act of grave misconduct. Shri Katara's repeated reluctance to appear before the Committee, leaves the Committee with no other option but to conclude that he did not appear before the Committee because he had no defence and no moral courage to even face his own colleagues.

32. Members of Parliament should measure upto people's expectations by conducting themselves honourably and honestly. The Committee lament that Shri Katara's conduct

is a far cry from the virtues expected of members of Parliament. To say that the conduct of Shri Katara was unbecoming, would be putting it rather too mildly. This conduct of Shri Katara has in fact brought disrepute to, and maligned the image of the entire fraternity of legislators.

33. The Committee would now like to allude to another serious matter. As mentioned earlier, Shri Katara was given three opportunities to appear before the Committee for giving his oral evidence but he did not appear on health grounds.

34. The Committee were nevertheless shocked to note that when on 23 June, 2008, Shri Katara was to appear before them for oral evidence, he sent a fax communication expressing his inability to appear before the Committee due to his reported illness and being admitted in a nursing home for treatment, **whereas he went on a study tour of the Standing Committee on Science & Technology (of which he is a member) to Chandigarh on 21 and 22 June, 2008.**

Even, thereafter, as per records available in Lok Sabha Secretariat on 3rd July, 2008 he attended sitting of the Standing Committee on Science & Technology.

Shri Katara appeared to the Committee to be afflicted with some mysterious ailment which set in the moment he was requested to appear before the Committee and regressed to such an extent immediately thereafter, that he could attend sittings and tours of other Committees.

35. The Committee are, therefore, convinced that Shri Katara's ailment was as fake as numerous passports he got made in the name of his existent and non-existent family members and that he deliberately evaded appearance, before the Committee by falsely stating that he was unwell. The Committee note the following well-established position as laid down in Kaul & Shakhder:

"Examples of contempt are:

refusal or neglect of a witness or any other person, summoned to attend the House or a Committee thereof, to attend...."

36. The Committee, therefore, hold Shri Katara guilty of committing a contempt of the Committee and thereby of the House by not appearing before them for oral evidence under the pretext that he was unwell.

37. The Committee are pained at the impunity with which Shri Katara indulged in an act of grave misconduct. The Committee further express their anguish over the scant respect Shri Katara has shown for parliamentary institutions and norms. The Committee are appalled at his impertinence in evading appearance before the Committee on false Pretexts.

38. In cases such as these what is needed is decisive action that would serve as an example. In other words, a deterrent punishment. **As Henrik Ibsen has said "A thousand words will not leave so deep an impression as one deed."**

IV. Observations

39. Misconduct by members of Parliament is perhaps the most dreaded malaise which could afflict and debilitate a Legislative Body.

40. The Committee would like to recall the following observations with regard to definition of misconduct, made by this Committee in their Second Report on 'Various Facets of Misconduct and basic Attributes of standards of conduct/Behaviour expected of Members, which was laid on the Table on 30 April, 2008:

"...Misconduct may...be broadly defined as conduct unbecoming of a member of Parliament which may include acts of misuse and abuse by members of their powers, privileges and immunities or rights and facilities enjoyed by them by virtue of being a member or of their status and position as such members, either in discharge of their parliamentary duties or in discharge of their public duties..."

41. The Committee find it apt to refer to the following observations made by them in their Second Report referred to in above (para 40):

"...The Committee considered a scenario where a case comes up involving an alleged misconduct by a member, which also amounts to a criminal offence. In such a situation, there will be parallel inquiries against the member—one by the House or a Committee of the House for alleged misconduct and the other by the investigating agencies like police etc. for the criminal offence. It may be argued that any action against the member for alleged misconduct, under such circumstances, should be taken only after his guilt has been proved in the court of law. Argument in favour of such a course of action would be that a parliamentary committee may not have the means and expertise to investigate the case in the same manner as it is investigated by the police authorities and it would, therefore, be appropriate to await the outcome of the case in the court. But then this procedure in all probability would take a lot of time, in fact may years, which may go beyond the tenure of a Lok Sabha. Such a situation would give rise to an adverse impression among general public that this is a deliberate ploy by the fraternity of legislators to protect the legislators complained against from in-house action.

The other course of action may be that the House/Committee may examine the matter without waiting for the outcome of the criminal case. However, an argument could well be advanced against this approach that investigation of the matter by the House or a Committee thereof, independent of the investigation by law enforcing agencies and subsequent decision by a court of law, is also fraught with serious ramifications. Let us imagine a situation where a House Committee looking into such a complaint recommends punishment like expulsion of the concerned member and thereafter House adopts a motion expelling the member. If subsequently, the concerned member is exonerated of the charges made against him by a court of law, such a member would not only have incurred financial loss, but more importantly his reputation would have been sullied, which is an irreparable loss for any public figure. It is the cardinal principle of jurisprudence that hundred guilty persons may go scot free but one innocent person should not be punished. Of late, the Media has been largely instrumental in bringing misdemeanours of members and others to public notice through what are commonly known as '**sting operations**'. Experience has, however, shown that all sting operations are not above board. Possibility of persons settling

scores with political opponents and framing them with the help of unscrupulous media persons cannot be ruled out. Having regard to such dangers, it became all the more necessary for the Committee to tread very cautiously while formulating their views on this point.

The Committee, therefore, gave very serious consideration to this issue. After detailed deliberations, the Committee realized that the issue can be resolved only through exercising hard options. If a legislator has to pay the price of being a public servant in such situations, then so be it. **The Committee, therefore, arrived at the conclusion that whenever a matter regarding misconduct of a member comes up, whether involving a penal offence or otherwise, it becomes imperative for the concerned legislature to which the member belongs to take cognizance of such misconduct with alacrity and promptitude and investigate the same.** The Committee concedes that fears that such an investigation could lead to piquant situations as mentioned above are not totally misplaced. But the fears are not totally justified either. Experience has shown that though the Parliamentary Committees may neither have the expertise of an investigating agency like police nor the judicial acumen and training of a court, they certainly have the sagacity and wisdom in enough measure, and then some, to be able to follow rules of natural justice and to ensure that any action is recommended against the member only after his guilt has been proved beyond reasonable doubt. **It needs to be emphasized here that thrust** of an inquiry by a Parliamentary Committee into such matters is basically upon the moral and ethical aspect of the issue. Moral and ethical offences need not necessarily constitute offences under the penal statutes and it is quite possible that perpetrators of such offences may escape punishment when tried in courts of law. For moral and ethical offences and conducts unbecoming of a member of Parliament the penal jurisdiction in fact lies only with the legislatures. The Committee are, therefore, firmly of the view that the matters regarding misconduct of members, even if they involve penal offences, need to be investigated independent of investigation by the law enforcing agencies."

42. It is indeed distressing for the Committee that more and more cases of misconduct by members are coming to the fore. But just as a coin has two sides, so do situations. It is a matter of perspective. If on one side there is an increase in incidence in instances of misconduct, on the other hand, unlike in earlier times, the fraternity of legislators has been proactive in taking quick punitive action against their own wayward brethren.

It has been rightly said "It is not the severity of punishment that acts as a deterrent. It is its inevitability."

43. It is well settled that in cases of misconduct committed outside the House or contempt committed by members, the House can impose punishments like admonition, reprimand, suspension from the membership of the House, imprisonment and expulsion from the House.

44. The Committee find it appropriate to note that the Supreme Court of India in **Raja Ram Pal and Ors vs. Speaker, Lok Sabha Ors.** upheld the power of the House to expel its members for misconducts.

These are indeed difficult times. Misconducts by legislators do indeed tend to erode the credibility of Legislative Bodies as also democratic form of Government. But when it comes to just and effective governance there can't be any substitute for democracy. While in our neighbouring countries democracy has always been a sort of utopian concept, democracy is vibrant and kicking in this country. It is true that certain aberrations have crept in, in this system. To make our democratic system truly effective and cleansing it of various malaises, what is needed are sustained efforts. Each and every corrective measure undertaken by the fraternity of legislators may be small but is certainly a concrete step ahead. Perseverance always pays.

As an anonymous quote says "it is within your power to have the determination of an ant, who finds a way to accomplish its mission regardless of the obstacles it faces. Your reaction to disappointment is where your power lies."

V. Recommendation

45. In view of the foregoing discussion, the Committee hold that Shri Babubhai K. Katara has committed an act of grave misconduct as well as contempt of the Committee and of the House which has threatened to erode the credibility of Parliament as an institution. The Committee are, therefore, of the view that he needs to be meted out the severest of punishments.

46. The Committee, hereby, recommend that Shri Babubhai K. Katara be expelled from the membership of the fourteenth Lok Sabha.

NEW DELHI;

8 September, 2008
17 Bhadrapada, 1930 (Saka)

V. KISHORE CHANDRAS. DEO,

*Chairman,
Committee to inquire into
Misconduct of members
Of Lok Sabha.*

MINUTES OF SITTINGS

MINUTES OF THE FIRST SITTING OF THE COMMITTEE TO INQUIRE
INTO MISCONDUCT OF MEMBERS OF LOK SABHA HELD ON
FRIDAY, 29 MAY, 2007 IN COMMITTEE ROOM No. 53,
PARLIAMENT HOUSE, NEW DELHI

The Committee sat from 1130 hrs. to 1230 hrs.

PRESENT

Shri V. Kishore Chandra S. Deo — *Chairman*

MEMBERS

2. Shri Gurudas Dasgupta
3. Shri Anant Gangaram Geete
4. Shri C. Kuppusami
5. Shri Mohammad Salim
6. Shri Braja Kishore Tripathy
7. Shri Rajesh Verma
8. Shri Devendra Prasad Yadav
9. Prof. Ram Gopal Yadav

SECRETARIAT

1. Shri Ashok Sajwan — *Deputy Secretary*
2. Smt. Saroj Sharma — *Under Secretary*

2. The Chairman informed the members that Hon'ble Speaker had referred cases of alleged misconduct of two members *viz* Shri Babubhai K. Katara and Shri Rajesh Kumar Manjhi, MPs, to the Inquiry Committee. The Chairman read out the observations made by the Hon'ble Speaker while referring Shri Babubhai K. Katara's case to the Inquiry Committee and suggested that Shri Katara was under judicial custody, his case might not be taken up by the Committee for the time being. The Committee agreed.

3. * * * * *

(The Committee then adjourned)

*Omitted as para relates to another case.

MINUTES OF THE SECOND SITTING OF THE COMMITTEE TO INQUIRE INTO
MISCONDUCT OF MEMBERS OF LOK SABHA

The Committee sat on Wednesday, the 19 March, 2008 from 1530 hrs. to 1600 hrs. in Room No. '147', Parliament House, New Delhi

PRESENT

Shri V. Kishore Chandra S. Deo — *Chairman*

MEMBERS

2. Shri Gurudas Dasgupta
3. Shri Anant Gangaram Geete
4. Shri C. Kuppusami
5. Shri Mohammad Salim
6. Shri Braja Kishore Tripathy
7. Shri Rajesh Verma
8. Shri Ram Gopal Yadav

SECRETARIAT

1. Shri V. K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Deputy Secretary*
3. Shri Ashok Sajwan — *Deputy Secretary-II*
4. Shri M.L.K. Raja — *Under Secretary*

At the outset, the Committee took up for consideration the Draft Second Report on the matter "**Various facets of misconduct and basic attributes of standards of conduct/behaviour expected of members**". During deliberation the Hon'ble Chairman proposed that a definition clause could be added to the code of conduct for members of Lok Sabha as recommended in the Report. Members agreed to the proposal and adopted the Report.

2. The Committee, then, authorized the Hon'ble Chairman to finalise the Report and present the same to Hon'ble Speaker.

3. The Committee also decided to meet again on 1 April, 2008 to decide the future course of action on the matter regarding complaint against Shri Babu Bhai Katara, MP (who is under judicial custody), which is pending before the Committee.

The Committee then adjourned.

MINUTES OF THE THIRD SITTING OF THE COMMITTEE TO INQUIRE INTO
MISCONDUCT OF MEMBERS OF LOK SABHA

The Committee sat on Tuesday, 1 April, 2008 from 1200 hrs. to 1230 hrs. in Room No. '147', Parliament House, New Delhi.

PRESENT

Shri V. Kishore Chandra S. Deo—*Chairman*

MEMBERS

2. Shri Gurudas Dasgupta
3. Shri C. Kuppusami
4. Shri Rajesh Verma
5. Shri Devendra Prasad Yadav

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Deputy Secretary*
3. Shri Ashok Sajwan — *Deputy Secretary-II*
4. Shri M.L.K. Raja — *Under Secretary*

2. The Chairman at the outset informed the members that he had received a letter from the Hon'ble Speaker conveying his appreciation over the effort put in by the Committee in respect of their Second Report on 'Various facets of misconduct and basic attributes of Standards of Conduct/Behaviour expected of Members'. Members also perused the letter addressed by the Hon'ble Speaker to the Chairman in this regard. The Chairman thanked the members of the Committee and also placed on record the appreciation of the Committee with regard to the work done by the Committee Secretariat. The Committee then took up for further consideration the matter relating to arrest of Shri Babubhai K. Katara, MP for offences under provisions of the Indian Penal Code and the Passport Act. The Committee noted that the case was kept pending as Shri Katara was under detention in judicial custody. The Committee directed the Secretariat to obtain the status obtaining in the matter from the concerned police authorities for the consideration of the Committee. The Committee decided to meet again on 11 April, 2008 at 1200 hrs. to further consider the matter.

The Committee then adjourned.

MINUTES OF THE FOURTH SITTING OF THE COMMITTEE TO INQUIRE INTO
MISCONDUCT OF MEMBERS OF LOK SABHA

The Committee sat on Friday, 11 April, 2008 from 1230 hrs. to 1255 hrs. in Room No. '147', Parliament House, New Delhi.

PRESENT

Shri V. Kishore Chandra S. Deo—*Chairman*

MEMBERS

2. Shri Mohammad Salim
3. Shri Braja Kishore Tripathy
4. Shri Devendra Prasad Yadav

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Deputy Secretary*
3. Shri Ashok Sajwan — *Deputy Secretary-II*
4. Shri M.L.K. Raja — *Under Secretary*

The Committee deliberated on the matter regarding arrest of Shri Babubhai K. Katara, MP for offences under provisions of the Indian Penal Code and the Indian Passports Act. The Committee considered the latest status report in the matter as furnished by Delhi Police. The Committee decided that as Shri Katara is still in judicial custody, an interim report may be prepared and submitted to the Speaker apprising him of the facts and latest status of the case and the reasons as to why the Committee are not able to proceed further in the matter.

The Committee then adjourned.

MINUTES OF THE FIFTH SITTING OF THE COMMITTEE TO INQUIRE INTO
MISCONDUCT OF MEMBERS OF LOK SABHA

The Committee sat on Thursday, the 29 May, 2008 from 1130 hrs. to 1200 hrs. in Room No. '62', Parliament House, New Delhi.

PRESENT

Shri V. Kishore Chandra S. Deo—*Chairman*

MEMBERS

2. Shri Gurudas Dasgupta
3. Prof. Vijay Kumar Malhotra
4. Shri Braja Kishore Tripathy
5. Prof. Ram Gopal Yadav

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ashok Sajwan — *Deputy Secretary-II*
3. Shri M.L.K. Raja — *Under Secretary*

At the outset, the Committee deliberated on the follow-up action on their Second Report on "**Various facets of misconduct and basic attributes of standards of conduct/behaviour expected of members**" which was laid on the Table on 30 April, 2008. The Chairman invited the attention of the members to para 100 of the Report wherein it had been recommended that the opinion of the Leaders of Political/Legislature parties and others, if considered necessary, might be obtained on the broad framework of the Code of Conduct for members as suggested in the Report before giving it a final shape and adopting it. The Committee accordingly directed the Secretariat to circulate the copies of the Second Report to all the members of the Committee and decided to further deliberate on the matter at their next sitting scheduled to be held on 23 June, 2008. The Chairman also observed that the Committee might also consider going into the root cause of misconduct, that is, impropriety.

2. The Committee decided to take evidence of Shri Babubhai K. Katara, MP on the matter of his alleged involvement in the human trafficking case on 23 June, 2008.

The Committee then adjourned.

MINUTES OF THE SIXTH SITTING OF THE COMMITTEE TO INQUIRE INTO
MISCONDUCT OF MEMBERS OF LOK SABHA

The Committee sat on Thursday, the 23 June, 2008 from 1130 hrs. to 1200 hrs. in Room No. '62', Parliament House, New Delhi.

PRESENT

Shri V. Kishore Chandra S. Deo—*Chairman*

MEMBERS

2. Shri Gurudas Dasgupta
3. Shri Anant Gangaram Geete
4. Prof. Vijay Kumar Malhotra
5. Shri Mohammad Salim
6. Shri Braja Kishore Tripathy
7. Shri Devendra Prasad Yadav
8. Prof. Ram Gopal Yadav

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Deputy Secretary*
3. Shri Ashok Sajwan — *Deputy Secretary-II*
4. Shri M.L.K. Raja — *Under Secretary*

At the outset, the Chairman informed the members that Shri Babubhai K. Katara, MP, who had been requested to appear before the Committee to give evidence regarding allegations of offences committed by him under provisions of the Indian Penal Code and the Passport Act would not be able to appear before the Committee as he was not well and had been admitted in a nursing home. The Committee decided to give another chance to Shri Katara to appear before them to give evidence. The Committee, thereafter, took up for discussion the matter regarding follow up action to be taken on the Second Report of the Committee and root causes of misconduct and impropriety. After some deliberation the Committee directed the Secretariat to prepare a detailed note on the subject and circulate the same to the members of the Committee before their next sitting scheduled to be held on 3 July, 2008.

The Committee then adjourned.

MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE TO INQUIRE INTO
MISCONDUCT OF MEMBERS OF LOK SABHA

The Committee sat on Thursday, the 14 August, 2008 from 1200 hrs. to 1230 hrs. in Room No. '62', Parliament House, New Delhi.

PRESENT

Shiv V. Kishore Chandra S. Deo—*Chairman*

MEMBERS

2. Shri Gurudas Dasgupta
3. Prof. Vijay Kumar Malhotra
4. Shri Braja Kishore Tripathy
5. Shri Rajesh Verma

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Deputy Secretary*
3. Shri Ashok Sajwan — *Deputy Secretary-II*
4. Shri M.L.K. Raja — *Under Secretary*

At the outset, the Chairman apprised the members that Shri Babu Bhai K. Katara, MP who was supposed to appear before the Committee for oral evidence regarding his arrest for offences under provisions of the Indian Penal Code and the Passport Act had neither come nor sent any intimation for his non-appearance. The Chairman also informed the members that in the last sitting also Shri Katara did not appear before the Committee due to his reported illness whereas it has been learnt that he had been attending the sittings of a Standing Committee of which he is a member and attended its study tours too. The Committee deliberated on the matter and decided that Shri Katara be given one last opportunity and should be informed that in case he does not appear before the Committee this time, the Committee would be free to decide the matter on the basis of the documents available on record. He further apprised the members that Deputy Commissioner of Police (Crime & Railways), Delhi in April, 2008, in response to this Secretariat reference, had furnished details of the investigation done in the aforesaid matter. The Committee, then, directed the Secretariat to ascertain from the Delhi Police again the present status of the investigation as well as to furnish the relevant documents of Shri Katara's case parting of which would not affect their investigation process.

The Committee then adjourned.

MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE TO INQUIRE INTO
MISCONDUCT OF MEMBERS OF LOK SABHA

The Committee sat on Tuesday, the 26 August, 2008 from 1130 hrs. to 1200 hrs. in Room No. '62', Parliament House, New Delhi.

PRESENT

Shri V. Kishore Chandra S. Deo—*Chairman*

MEMBERS

2. Shri Gurudas Dasgupta
3. Shri C.K. Kuppasami
4. Prof. Vijay Kumar Malhotra
5. Shri Srinivas Patil
6. Shri Mohammad Salim
7. Shri Braja Kishore Tripathy
8. Shri Devendra Prasad Yadav
9. Prof. Ram Gopal Yadav

SECRETARIAT

- | | | |
|----------------------------|---|----------------------------|
| 1. Shri V.K. Sharma | — | <i>Joint Secretary</i> |
| 2. Shri Ravindra Garimella | — | <i>Deputy Secretary</i> |
| 3. Shri Ashok Sajwan | — | <i>Deputy Secretary-II</i> |
| 4. Shri M.L.K. Raja | — | <i>Under Secretary</i> |

At the outset, the Chairman took up for consideration the matter regarding arrest of Shri Babubhai K. Katara, MP for offences under provisions of the Indian Penal Code and the Passport Act. The Chairman apprised the members that Shri Katara who was scheduled to appear before the Committee for oral evidence in the matter has sent a fax letter in which he has expressed his inability to appear before the Committee due to his persistent ill-health. The Chairman also informed that Shri Katara in his letter has denied all the allegation made against him by the Delhi Police and stated that charges have not been filed against him in any Court till date and requested to fix date for his evidence in the matter somewhere in the middle of December, 2008.

2. Thereafter, the Chairman invited views of the members on how to proceed in the matter. The members put forth their suggestions in this regard. The Chairman, then, directed the Secretariat to prepare a Report in the matter and circulate the same to members before the next sitting of the Committee.

The Committee then adjourned.

MINUTES OF THE NINTH SITTING OF THE COMMITTEE TO INQUIRE INTO
MISCONDUCT OF MEMBERS OF LOK SABHA

The Committee sat on Monday, the 8 September, 2008 from 11 30 hrs. to 1200 hrs. in Room No. '62', First Floor, Parliament House, New Delhi.

PRESENT

Shri V. Kishore Chandra S. Deo—*Chairman*

MEMBERS

Lok Sabha

2. Shri C. Kuppusami
3. Prof. Vijay Kumar Malhotra
4. Shri Mohammad Salim
5. Shri Braja Kishore Tripathy
6. Shri Rajesh Verma

SECRETARIAT

1. Shri V.K. Sharma — *Joint Secretary*
2. Shri Ravindra Garimella — *Deputy Secretary*
3. Shri Ashok Sajwan — *Deputy Secretary-II*
4. Shri M.L.K. Raja — *Under Secretary*

2. The Committee took up for consideration the draft Report regarding alleged misconduct arising out of commission of offences by Shri Babubhai K. Katara, MP under provisions of the Indian Penal Code and the Indian Passports Act. After some deliberations, the Committee adopted the draft Report. The Committee authorized the Chairman to present the same to the Hon'ble Speaker, Lok Sabha and thereafter to lay it on the Table of the House.

The Committee then adjourned.

APPENDICES

APPENDIX I

(Pl. See para 13 of Report)

LOK SABHA

BULLETIN — PART II

(General information relating to Parliamentary and other matters)

Nos. 3509—35121]

[Thursday, April 19, 2007/Chaitra 29, 1929 (Saka)

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No. 3511

Privileges & Ethics Branch

Arrest and Lodgement of Shri Babubhai K. Katara

The following communication dated 18 April, 2007 addressed to the Speaker, Lok Sabha by the Deputy Commissioner of Police, Indira Gandhi International Airport Unit, New Delhi was received on 18 April, 2007:—

"Shri Babubhai K. Katara, member of Lok Sabha was arrested on 18 April, 2007 for offences under sections 419/420/468/471/120-B IPC and section 12 of the Passport Act, at Police Station Indira Gandhi International Airport, New Delhi *vide* FIR Nos. 168 and 169 dated 18 April, 2007 while taking Smt. Paramjit Kaur and Amarjit Singh to Toronto, Canada by the flight No. AI-187, on the passports of his wife and his son. He was, accordingly, taken into custody at 1815 hrs. by the Investigating Officer in Mahipalpur Police Station of this Unit and was lodged there.

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APPENDIX II

(Pl. *See* para 17 of Report)

LOK SABHA

BULLETIN — PART II

(General information relating to Parliamentary and other matters)

Nos. 3579—3580]

[Tuesday, May 1, 2007/Vaisakha 11, 1929 (Saka)

No. 3579

Privileges & Ethics Branch

Remand and custody of Shri Babubhai K. Katara

The following communication dated 30 April, 2007 addressed to the Speaker, Lok Sabha by the Deputy Commissioner of Police, Crime & Railways, Delhi was received on 30 April, 2007:—

"Shri Babubhai K. Katara, member of Lok Sabha was arrested on 18 April, 2007 for offences under sections 419/420/468/471/120-B IPC and section 12 of the Passport Act at Police Station Indira Gandhi International Airport, New Delhi *vide* FIR Nos. 168 and 169 dated 18 April, 2007. He was remanded to police custody on 19 April, 2007 till 30 April, 2007 by the court of ACMM, New Delhi. On 30 April, 2007 he has been remanded to judicial custody till 4 May, 2007 by the aforesaid court."

No. 3580

Committee Branch-I

Nomination of a Member to the Standing Committees

The Chairman, Rajya Sabha has, *w.e.f.* 27 April, 2007, nominated Dr. Ram Prakash, a member of Rajya Sabha, to be a member of the Committees on (i) External Affairs; and (ii) Rural Development.

P. D. T. ACHARY,
Secretary-General.

APPENDIX III

(Pl. See para 19 of Report)

FROM: DCP/CRIME FAX NO. : 91+11+23490340 APR. 09 2008 01: 34PM P1

OFFICE OF THE DY. COMMISSIONER OF POLICE: CRIME & RAILWAYS: DELHI

F. No 3/07/AEC 2581/SO/DCP/C&R/DA-II dated New Delhi, the 9/4/2008.

To

Sh. Ashok Sajwan,
Deputy Secretary,
Privileges & Ethics Branch,
Lok Sabha Secretariat,
North Block, New Delhi.

Subject:— Arrest of Sh. Babubhai K. Katara, MP for offence under provisions of the Indian Penal Code and Passports Act.

Sir.

With reference to your office letter No. 5/1/08/P&E (IC) dated 1.4.2008 on the subject cited above. I am to state that on 18-4-2007, Sh. Babubhai Khima Katara, a sitting member of Lok Sabha was to board Air India Flight No. A-187 from Delhi to Toronto. Sh. Katara was travelling with one 30 years lady and a 15 year old boy. The lady and the 15 years old boy were found to be carrying passports issued in the name of Mrs. Sharda Ben w/o Sh. Babu Bhai Khima Katara and Master Rajesh s/o Babu Bhai Khima Katara. However, during pre boarding checking by Air India Officials it was found that the photographs on these passports did not resemble the passengers carrying these passports. After questioning, it was revealed that the actual identity of the lady was Smt. Paramjeet Kaur w/o Shri. Paramjeet Singh r/o Vill. Talli, Tehsil Dasua, Distt. Hoshiarpur, Punjab. It was also found that boy was not Master Rajesh s/o Sh. Babu Bhai Khima Katara but amarjeet s/o Jaswant singh r/o Vill. Jalalpur, Distt. Hoshiarpur, Punjab. Hence two cases *vide* FIR No. 168 and 169 were registered u/s 419/420/468/471/120-B IPC and 12 Passport Act at P.S. I.G.I. Airport, New Delhi. Subsequently, Sh. Babu Bhai Khima Katara and Smt. Paramjit Kaur and the minor boy were arrested. Shri Katara and the lady were remained to police custody and the Juvenile has been sent to observation home. On 19.4.2007 the case was transferred to Crime Branch.

Based on information provided by Sh. Babu Bhai Khima Katara, raids were conducted and 3 more persons namely Rajinder Kumar Gampa, Kiran Dhar and Sunder Lal Yadav were arrested on 20.4.2007. They were produced in the court and remanded to police custody. At the time of production of the accused in the court of Ld. ACMM, Ms. Kamini Lau, Patiala House Court, New Delhi on 21.4.2007. The accused Sunder Lal Yadav stated that he had been in contact with the following present former members of

Parliament who had been involved in facilitating the illegal travel of Indian Citizens to Foreign Countries:—

1. Babu Bhai Khima Katara, MP, Dahod, Gujarat
2. Mohd. Tahir Khan, MP, Sultan Pur (UP)
3. Ram Swaroop Koli, MP, Bauyana (Rajasthan)
4. Late Ram Avad Singh deceased MP, Akarpur (UP)

In addition to the above, Sunder Lal Yadav and Rajinder Gampa have further disclosed the name of the two sitting member of Lok Sabha namely Mitra Sain Yadav, MP, Faizabad (UP) and Ashok Kumar Rawat, MP, Misrikh (UP).

During investigation, to prove the said offence statement of witnesses were recorded, relevant case properties including documents were seized.

Modous Operandi

From the investigation conducted so far, the following Modus Operandi has emerged Travel agents based in Punjab, Delhi and Hyderabad would approach members of Parliament to facilitate the grant of visa of certain countries like UK, USA and the Schengen Countries to their clients. The MPs would assist in the following ways:—

- a. Take the illegal emigrant along on the diplomatic/ordinary passport of wife/children.
- b. Take the illegal emigrant along as servant/aide.
- c. Recommend issuance of visa to persons depicted as employees of companies with which the MP is associated.
- d. Recommend issuance of visa on other grounds, Instances of MEA being asked to issue not verbal have also come to light and are being probed further.

Accused Babu Bhai Khima Katara got visa for himself, his wife Sharda Ben Babu Katara and eldest son Rajesh Babu Bhai Katara from Canadian High Commission for the period from 10.3.2007 to 15.9.07. *Vide* his letter dated nil addressed to Visa Officer, Canadian High Commission he has also requested visas for his youngest son Rajesh Bhai Khima Katara and daughter Priya Babu Bhai Khima Katara to accompany him to Canada. Investigation disclosed that accused Babu Bhai Khima Katara has no children by the names of Rajesh Babu Bhai Khima Katara, Rakesh Babu Bhai Khima Katara and Priya Babu Bhai Khima Katara. It proves that he had full knowledge of these fictitious passports, which he fraudulently procured, and used/intended to use for the persons who are not his children in order to carry out illegal human trafficking for personal financial gains.

The aforesaid fictitious passport of Rajesh Babu Bhai Khima Katara was used to illegally migrate Amerjeet Singh to Toronto on 18.4.07. In this connection separate charge sheet has been filed *vide* case FIR No. 169/07 in Juvenile court as the said Amarjeet is a minor.

During perusal of the statements of accounts of accused Babu Bhai Khima Katara and his family members, it was found that on 9.4.07, cash of Rs. Four Lac was deposited in FDR Account No. 0000633 in Viyapar Udyog Vikas Sahnkari Bank Ltd., Dahod, Gujarat, Besides this, Rajender Kumar Gampa also provided 1000 US dollars, which were seized from his personal search at the time of arrest on 18.4.2007. The said US dollars were exchanged at IGI Airport for Rs. 51400/-.

As aforesaid, accused Babu Bhai Khima Katara got six passports issued to the persons disclosed to be his children to the Regional passport office in Delhi. Investigation has however established that he has only three children by the names of Bhavesh, Gaytri and Amit whereas Rakesh, Rajesh and Priya are non-existent and fictitious persons. For getting passports in their names, he had used forged documents like birth certificates. Even the three passports issued in the names of his real children have been proved to be forged for the reason that they bear photographs of some other persons. This shows mensrea for them for the purpose other than genuine like illegal human trafficking. These passports were obtained on the basis of false declarations and fake documents submitted by the accused Babu Bhai Khima Katara. All these passports were issued on tatkal basis. Investigation revealed that photograph on the visa application of Sharda Babu Bhai Khima Katara submitted in the US Embassy does not match with the photograph on the passport itself, US Embassy Delhi in its letter dt. 27.4.2007 intimated that accused Babu Bhai Khima Katara and Sharda Ben Babu Bhai Khima Katara had also applied for US Visa on 28.8.2001 at Mumbai, which was not granted and Babu Bhai Khima Katara was asked to apply at US Embassy, Delhi. The oral evidence recorded under the provision of section 164 Cr. P.C. of Sheikh Mohd. Hatim Ali also proves this fact.

Investigation proved that accused Babu Bhai Khima Katara illegally trafficked three other women besides the present accused Mrs. Paramjeet Kaur *i.e.* first to USA on 10.12.2005, second to Toronto (Canada) on 22.9.06 and third to UK on 8.12.06 under the name of his wife Sharda Ben Babu Bhai Khima Katara and using her diplomatic passport and two children besides Amarjeet Singh *i.e.* first to Toronto on 22.09.06 and second to UK on 8.12.06 under the name of his fictitious and non-existent son Rajesh Babu Bhai Khima Katara and one Niyamat brother of the accused Satwant @ Santu to UK on 8.12.06 on his own passport No. E-164471 but falsely recommending him as his personal aide for facilitating visa whereas he had no staff attached as aforesaid. Further these persons though have not returned back to India yet the passports seized show their arrival at IGI Airport, which were forged to dupe the immigration authorities. These passports with valid visas were deliberately retained with the sole objective of trafficking other subjects illegally in future under their names since it would have facilitated to use the same visa till the date of its validity for personal financial gains.

The accused Babu Bhai Khima Katara is also previously involved in two cases of dacoity *vide* FIR No. 79/06 & 101/02 u/s 395/427 PS Jhalod, Dahod Gujarat. Further, Director FSL, Rohini, Delhi has given, 30.4.2008 as the date for taking photographs of the original documents.

As the offences have national and international ramifications, the investigation on certain aspects to unearth the entire conspiracy of illegal human trafficking is still continuing u/s 173(8) Cr. P.C. outcome of which could be intimated on completion of the investigation in due course.

Your's faithfully,

Sd/-

DEPUTY COMMISSIONER OF POLICE,
CRIME & RAILWAYS: DELHI.

APPENDIX IV

(Pl. See para 20 of Report)

OFFICE OF THE COMMISSIONER OF POLICE: DELHI.

F. No 1736/C&T/49318 /C&T (AC-VI)/PHQ dated 28/08/2008.

To

Sh. Ashok Sajwan,
Deputy Secretary,
Lok Sabha Secretariat,
Privileges & Ethics Branch,
Parliament House Annexe,
New Delhi.

Subject:— Arrest of Sh. Babubhai K. Katara, MP for offence under provisions of the Indian Penal Code and Passports Act.

Sir.

With reference to your office letter No. 5/1/08/P&E (IC) dated 18.8.2008 on the subject cited above. I am to state that the brief facts of the case are that on 18-4-2007, the Immigration officials detained Mr. Babu Bhai Katara, MP Lok Sabha at IGI Airport when he was in the process of going to Toronto on his diplomatic passport and the visa along with one lady and a boy. The lady was holding the diplomatic passport issued in the name of Mrs. Sharda Ben Babu Bhai Kataria w/o Babubhai Katara having photograph of some other lady who was not travelling on that passport. Similarly the visa having a different photograph which did neither resemble with photograph affixed on passport nor with the lady who was traveling on the passport. The boy was also travelling on the passport issued in the name of Rajesh Babubhai Katara s/o Sh. Babubhai Katara having photograph of another boy. The visa was also having a different photograph. On suspicion they were stopped from boarding the flight AI-187 to TORONTO. Upon enquiry, it was revealed that real names of the lady and the boy accompanying Sh. Babu Bhai Katara were Mrs. Paramjit Kaur and Amarjeet Singh @ Sunny both resident of Punjab and both of them were being taken abroad to TORONTO, CANADA by Babu Bhai Katara in lieu of money. All were apprehended and on the complaint of the Immigration officer, cases *vide* FIR Nos. 168/07 & 169/07 u/s 419/420/468/471/120B IPC r/w 12 Passport Act, PS IGI Airport, were registered. The local police arrested all the three accused persons mentioned above. During investigation on 19.04.07, the accused persons were produced before the court and 10 days police custody remand of accused Babu Bhai Katara and four days police custody remand of Paramjeet Kaur was obtained, while Amarjeet Singh was sent to judicial custody by the Juvenile court.

On 19.4.2007, the case was transferred to Crime Branch for further investigation. During the course of investigation/interrogation, it was disclosed by Babu Bhai Katara that one Rajender introduced these persons to him and one Sunder Lal Yadav introduced Rajender to him. Accordingly on 20.4.07, accused Rajender Kumar Gampa along with his associate Kiran Dhar were arrested.

A number of incriminating documents including 27 passports were recovered from their possession. Upon interrogation it was revealed by accused Rajender Kumar Gampa that Paramjeet Kaur and Amarjeet were introduced to him by two Punjab based travel agents namely Kuldeep and Santu and a total sum for Rs. 36,00,000/- was agreed to be paid for sending these persons abroad. Out of which 14 lacs were to be paid to Babubhai Katara with Rs. 3 lacs in advance. The disclosure of the financial aspect involved and collusion of accused Babu Bhai Katara with unscrupulous agents liked Rajender Kumar Gampa and Sunder Lal Yadav is established by the fact that on 18-4-07, at the time of arrest, accused Babu Bhai Katara was found in possession of three cheques duly issued and signed by Sunder Lal for a sum of Rs. 3,00,000/-, 4,00,000/- and 1,00,000/- respectively of Standard Chartered Bank which amount was to be paid by the agent Rajender Gampa after completion of work to Babubhai Katara i.e. when Mrs. Paramjeet Kaur and Amarjeet Singh reach Toronto safely.

Investigation has revealed that accused Babubhai Katara illegally trafficked three women on 10.12.2005 to USA, 22.09.2006 to Toronto (Canada) and 08.12.06 to UK under the name of his wife Sharda Ben Katara and two children in the names of his sons to Toronto and UK and one Niyamat brother of the accused Satwant @ Santu recommending him as his personal aide whereas his family members have been to any foreign country so far. Further these persons though have not returned back to India yet the passport seized show their arrival at IGI Airport, which were forged to dupe the immigration authorities. These passports with valid visas were retained with the sole objective of trafficking any subject illegally under his name since it would have facilitated to use the same visa till the date of its validity for personal financial gains.

The mobile phone call detail record of the accused Babubhai Katara, Sunder Lal Yadav, Rajender Kumar Gampa, Kuldeep @ Manjeet, Kiran Dhar, Satwant @ Santu has been collected which revealed that he remained in constant touch with the co-accused persons prior to and on the date of incident. Other call details are being verified to establish whether he was having dealing with any other unscrupulous agent. The details of the telephone/mobile numbers appearing in these call details have been collected from the service providers which provide vital information on the links of Mr. Katara to the persons involved in human trafficking.

Accused Rajender Kr. Gampa disclosed that in the beginning of the year 2006 one Nagender introduced him to the MP Mitra Sen Yadav. He told him about human trafficking. Mitra Sen Yadav agreed to work with him. At the residence of Mitra Sen Yadav he met one Shiv Partap who introduced him to one Raj Nath, PA of MP Mohd. Tahir Khan. Raj Nath introduced him to MP Mohd. Tahir Khan. The MP also agreed to work with him for handsome amount.

On 1.7.2006 he and MP Mohd. Tahir Khan took one Ranjeet (as a personal aide to the MP) to London illegally. Kuldeep was also involved in this deal. They earned Rs. 4.5 lacs in the matter out of which MP was paid Rs. 2 lacs and he kept Rs. 1 lac. On 16.8.2006 he and MP Mitra Sen Yadav took another Ranjeet to London illegally. Kuldeep was also involved in this deal. They got Rs. Five lacs in this dealing. MP was paid 2.5 lacs and he earned Rs. One lac. After that Shiv Partap introduced him to one Sunder Lal Yadav who introduced him to MP Babu Bhai Katara. Babu Bhai Katara also joined hands with him On 22.9.2006 MP Babu Bhai Katara took a lady from Punjab to Toronto Canada on his wife Sharda Ben's Passport. In this deal agents Santu, Kuldeep, Sunder Lal and Shiv Partap were also involved. They earned Rs. 22 lacs in the deal. MP was paid Rs. 15 lacs through Sunder Lal while he earned Rs. 2 lacs from the deal. Again on 8.12.2006 Babu Bhai Katara took a lady, a child and one Niyamat (as his personal aide) to U.K. illegally. Sunder Lal, Shiv Partap, Santu and Kuldeep were also involved in deal. They earned Rs. 14 lacs out of which MP was paid Rs. 12.5 lacs through Sunder Lal and Shiv Partap. After that he came in the contact of MP Ashok Kumar Rawat. On 9.2.2007 he, Raj Nath and MP Ashok Kumar Rawat took one Sandeep (as a personal aide) to UK. MP was paid Rs. 2 lacs while he earned Rs. One lac in deal.

During the course of investigation, it was found that accused Babu Bhai Katara got prepared three passports in the name of his real children Bhavesh Katara (PP No. B-5079078), Amit Katara (P. P. No. B-5078062) and Gayatri Katara (PP No. B-5078080) in the year 2000. During investigation, it was found that photographs on the Passport application forms are not of his real children. Further more, the birth certificates of both Bhavesh Katara and Gayatri Katara were found forged during verification. It is pertinent to mention here that the statement of one Shiekh Mohd. Hatim Ali u/s 164 Cr. P.C. is very crucial that how accused Babu Bhai Katara in conspiracy with co accused Sunder Lal Yadav had managed to get prepared these forged passports in lieu of money *i.e.* Rs. 2.5 lacs per passport.

Accused Babubhai Katara has been deeply involved in illegal human trafficking is established by the fact that he was found in possession of two illegally prepared passports in the name of Rakesh Babubhai Katara and Priya Katara which were obtained after fraudulently disclosing as his son and daughter to the appropriate authorities whereas, investigation has revealed that he does not have any children by the names of Rakesh and Priya. Furthermore, these passports carry valid visas for Canada and UK. This clearly establishes his culpability and *modus operandi* for illegally trafficking the subjects to foreign countries. In addition, the passport of Niyamat who was illegally taken to UK on 8th December 2006 (as a personal aide to Babubhai Katara) was also recovered from the possession of accused Babubhai Katara at the time of his arrest on 18.04.2007 whereas the same should have been with Niyamat. This was retained with the sole objective of trafficking another person illegally under his name since it would have facilitated to use the same visa till the date of its validity for pecuniary benefits. The persons for whom the alleged passports were fraudulently obtained are yet to be identified and interrogated. Only two persons out of five illegally trafficked abroad by the accused have been identified so far and investigation to identify the remaining is yet to be completed.

Accused Babu Bhai Katara and his family members are maintaining 15 accounts with different banks situated at Dahod, Gujarat and in Delhi. Their scrutiny shows heavy financial transactions. His family member withdrew over Rs. Four lacs immediately after his arrest, which shows the conduct of Babubhai Katara and his family members.

After completion of the investigation against the arrested accused persons except Rasheed Ali charge sheet has been filed on 16-07-2007 in the concerned court within the stipulated time period of 90 days. However investigation of the case has also been kept pending u/s 173(8) Cr. P.C. against the remaining accused persons.

During the further course of investigation one more accused namely Mohd. Shameem @ Shakeel s/o Mohd. Azam was also arrested on 30-07-07 on thorough interrogation he has disclosed that he is deeply involved in the illegal human trafficking since 2001. Mostly he used to send skilled/professionals to USA on H-1B visa but this was not lucrative as compared to the illegal trafficking of Indian citizens. Thus he made contacts with local agents including Raju Pitty, Pritesh Pitty, Azhar, Aizaz & Rashid etc. and developed relations with agents of Delhi for this purpose. Accused Sunder Lal Yadav was introduced to be a conduit between Politicians/MPs and agents and was competent to procure recommendation letters required for facilitating visa. Thus he took full advantage of the relations of Sunder Lal Yadav in illegal human trafficking and minting money along with his associates Raju Pitty and Rashid etc. of Hyderabad and agents like Bharat Bhai of Gujarat during 2005/06. He disclosed that he sent nephew of his associate Raju Pitty and younger brother of Pritesh Pitty as Pritesh Koli s/o Ram Swaroop Koli, MP along with one lady and two other children who were arranged by Raju Pitty from Gujarat. He arranged the passports and visas for these emigrants through Sunder Lal Yadav and Sh. Ram Swaroop Koli and he paid Rs. 18 lacs to Sunder Lal Yadav for Ram Swaroop Koli.

During his interrogation, he has admitted his links with Mohd. Tahir Khan, MP, and link of co-accused Rasheed with Mohd. Tahir Khan, MP and disclosed his involvement in this case. During interrogation he has disclosed about the hideouts of his associates Raju Pitty, Aizaz, Pritesh Pitty all Hyderabad based agents. Ten day's police custody remand of accused Mohd. Shameem @ Shakeel mentioned above was obtained on 01-08-2007 and raids were conducted at Hyderabad in search of Rajender Pitty, Pritesh Pitty and Aizaz etc. but none of them found there. On 29-8-2007, a supplementary chargesheet against Mohd. Rasheed and Mohd. Shameem @ Shakeel was filed in the court of ACMM, New Delhi.

Further progress in investigation after filing of chargesheet

1. During investigation all the family members of accused Babubhai Katara *i.e.* Smt. Sharda Ben Katara, wife, sons Bhavesh and Amit and daughter Gayatri joined investigation and were interrogated at length. They all pleaded innocence. Their photographs and handwriting were obtained. The photographs of the children not match with the photographs on the passports got prepared by accused Babubhai katara.
2. During investigation, an advertisement containing photographs of passengers and passport holder taken or intended to be taken abroad were

got published in Delhi, Hyderabad and Gujarat. Two persons whose passports were got prepared by accused Babu Bhai Katara as his son Amit and daughter Gayatri has been identified as Nilesh Patel s/o Nathalal Patel r/o D-4, Deepak Flats, Ahmedabad and Mrs. Milan @ Parul d/o Vishnu Bhai presently residing in California (USA). It is already on record that the passports got prepared by Babu Bhai Katara in the name of his real children were never used for travelling purpose. Efforts are being made to trace the remaining passengers.

3. Reminders have been sent to US Embassy through MEA to provide original visa application forms of the MPs and their family members namely Sh. Babubhai Katara, Mohd. Tahir Khan, Ram Swaroop Koli, but the same are still awaited.
4. During investigation original travel documents were requested from Parliament House in respect of MPs Sh. Ashok Kumar Rawat, Sh. Ram Swaroop Koli, Mohd. Tahir Khan and Sh. Mitra Sen Yadav for comparison of handwriting with questioned documents. On 3-7-08, the FSL experts took photographs of original documents were taken at the Parliament House Annexe for comparison with question documents.
5. During the course of the investigation raids have been on the available addresses and possible hideouts of the absconding accused persons namely 1. Raju Kumar Pitty @ Raju Pitty 2. Pritesh Pitty 3. Aizaz Moinuddin 4. Joginder @ Maddi & 5. Kuldeep. Despite best efforts all are at large. An application has been moved before the trial court for issuing NBWs against them which is still pending in the trial court.
6. In the report received from the FSL, Rohini, Expert has mentioned to send some more specimen of accused Rajender Kumar Gampa along with other documents pertaining to all 5 MPs. The original documents from US Embassy are awaited for the same. While the application for more specimen handwriting of accused Rajender Kumar Gampa is pending decision in the trial court of Sh. A.K. Kuhar, ACMM, New Delhi.

All the accused persons are now on court bail. In the trial court of Sh. A.K. Kuhar, ACMM, the next date of hearing has been fixed for 1/12/08 for arguments on charge. However investigation of the case has also been kept pending u/s 173(8) Cr. P.C. against the remaining accused persons. The photocopies of the FIRs are also sent herewith for ready reference.

Your faithfully,

Sd/-

(H.M. MEENA)

DY. COMMISSIONER OF POLICE,
HEADQUARTERS, DELHI.

Encls. As above.

8. Reason for delay in reporting by the complainant/informant: NO DELAY

9. Particulars of the properties stolen/involved (attach separate sheet if necessary):

Sl. No.	Property type (Description)	Est. Value (Rs.)	Status
(i)			
(ii)			
(iii)			

10. Total value of property stolen:

11. Inquest Report/U.D. Case No., if any:

12. F.I.R. Contents (attach separate sheet, if required):

To, The SHO, P.S. I.G.I., Delhi. Sir, Sub: Registration of case. Today morning (18.4.2007) while performing duties at counter No. 14 (D.R.) around 08.15 Hrs. Air India staff handed over to me 3 passengers named Katara Babubhai Khimabhai sitting B.J.P. M.P. From Dohad (S.T.), Gujarat and his wife namely Katara Shardaben Babubhai, both holding Diplomatic Passport Nos. 1100961 and 1100962 respectively and their son Katara Rajesh Babubhai holding ordinary Passport number F-8379983 who were intending to travel to Canada by flight No. AI-187. A closer scrutiny of the Pax raised the doubt about the genuineness of the lady and the child accompanying the sitting M.P. Latter the 3 were off-loaded by Air Lines and handed over to us at 8.15 A.M. On close scrutiny of the case, I recalled that these passengers were cleared as a matter of Customary courtesy extended to Honourable M.P. through the Rajinder Singh, P.S. to sitting M.P. Who came and requested Immigration clearance at about 7.00 A.M. Who was sitting in the Reserve Lounge along with his family. The pax were cleared for Toronto by flight No. AI-187. Later when they were handed over with documents it was found that previous arrival stamps of Immigration on page Nos. 6,12,40 of P.P. No. 1100962 were found to be forged/managed. The lady has impersonating, as sitting M.P.'s wife. On further questioning the lady accepted that her real name is Paramjit Kaur, W/o Paramjit Singh, R/o Kapurthala, Punjab. She also revealed that her travel was arranged by one agent Sandhu R/o Salimpur, Kapurthala, Punjab who introduced her to Rajinder the P.S. of sitting M.P. and who agreed to send her to Canada for Rs. 30 lakhs. Rajinder introduced Paramjit Kaur to M.P. This morning before coming to Airport. Thus Paramjit has cheated Indian Immigration & violated the law of the land by impersonating as M.P.'s wife with the connivance of M.P. & his P.S. Rajinder. A case against Paramjit Kaur and other against relevant sections of law may be registered. Date & time of occurrence: 18.4.2007, 0815 Hrs. Place of occurrence: Departure Right, I.G.I. Airport, Date & time of sending rukka: 18.4.2007 at 15.30 Hrs. The Pax is being sent with P.P. Nos. 1100962, ticket No. 2645046790, boarding card, E.Card and the P.P. No. 1100961, ticket No. 2645046788, his E. Card, Boarding Card through Ct. Madam Lal PIS No. 28931692. Sd/- English R.P.S. Gulain, A-II, PIS No. 125653, Shift-D, Immigration. Action by duty officer: On receipt of the above complaint I prepared a seizure memo and seized the travel documents. The contents of complaint discloses the commission of offence U/S 419, 420, 468, 471, 120-B IPC & 12 P.P. Act hence, a case U/S 419, 420, 468, 471, 120-B IPC & 12 P.P. Act is registered and the original rukka, copy of FIR,

seizure memo, seized documents and paxs are handed over to S.I. Devender Kaushik for further investigation. A carbon copy along with copy of F.I.R. is given to M.H.C(R) for record. Other copies of FIR will be sent to Senior Officers by dak. Written by H.C./D.O.

13. Action Taken (Since the above information reveals commission of offence(s) u/s as mentioned at item No. 2:

- (i) Registered the case and took up the investigation OR
(ii) Directed (Name of the I.O.): DEVENDER KAUSHIK Rank: SI
No.: 16970167 to take up the investigation,
OR
(iii) Refused investigation due to: OR
(iv) Transferred to P.S. (name): District:
on point of jurisdiction.

F.I.R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost:

District: IGI AIR PORT P.S.:I.G.I. AIRPORT YEAR: 2007 FIR NO.: 168 DATE: 18-04-2007

R.O.A.C.:

14. Signature/Thumb Impression
of The Complainant/Informant:

Signature of Officer
Name: BHOOP SINGH
Rank: H.C. No.: 28822427

15. Date and Time of despatch to the court:

8. Reason for delay in reporting by the complainant/informant: NO DELAY

9. Particulars of the properties stolen/involved(attach separate sheet if necessary):

Sl. No.	Property type (Description)	Est. Value (Rs.)	Status
---------	-----------------------------	------------------	--------

(i)

(ii)

(iii)

10. Total value of property stolen:

11. Inquest Report/U.D. Case No., if any:

12. F.I.R. Contents (attach separate sheet, if required):

To, the SHO, P.S. I.G.I. Airport, New Delhi. Sir, Subject: Registration of case. Today morning (18.4.07) while performing duty as C.O. At counter No. 14 (Dep. Right) at around 0815 Hrs. Air India staff handed over to me three Passengers belonging to Katara Babubhai Khimabhai a sitting B.J.P. M.P. from Dahod (ST) Gujarat his wife viz. Katara Shardaben Babubhai both holding Diplomatic Passport Nos. 1100962 & 1100961 and his son Katara Rajesh Bahubhai holding ordinary Passport F-8379983 who were intending to travel to Canada by Flight No. AI-187. A close scrutiny of the pax raised doubt about the genuineness of the boy and the lady accompanying the M.P. Later, the three were off-loaded by the Airlines (Air India) and were handed over to me at 08.15 Hrs. on close scrutiny of the case I recalled that these passengers were cleared as a matter of customary courtesy extended to Honourable M.P. through his Private Secy. Namely Rajinder who came and requested for their immigration clearance at 0700 Hrs. The M.P. and his family were sitting in the Reserve lounge. The pax were cleared for Toronto by flight No. AI-187. Later when they were handed over with the documents it was found that a previous arrival stamp of Delhi Immigration Dtd. 18/12/06 affixed on page No. 22 of the boys passport No. F-837 9983 was forged. The boy was impersonating as the MP's son and Katara Babubhai Khimabhai was acting as a carrier. On further questioning the boy accepted that his real name is Amarjeet Singh son of Jaswant Singh R/o Village Jallalpur Distt. Hoshiarpur. The boy revealed that his journey was arranged by his father through Rajinder, the P.S. of the M.P. The boy stated that he was introduced to the M.P. through Rajinder. Thus Amarjeet Singh has cheated Indian Immigration and violated the law of the land by impersonating as Katara Rajesh Babubhai son of Katara Babubhai Khimabhai with the connivance of the M.P. and his P.S. Rajinder. A case against pax Amarjeet Singh and other may be registered against relevant section. The pax is being sent with P.P. No. F-8379983, E. Card, Boarding Card, ticket No. 2645046789 through SAG Mahabir PIS No. 104780. date & time of occurrence: 18.4.07 at 0815 Hrs. Place of occurrence: Departure Right Immigration, IGI Airport, date & time of sending rucra: 18.4.07 at 1600 Hrs. Sd/- English R.P.S. Gulain, A-II, PIS No. 125653, Shift-D, Immigration IGIA. Action by duty officer: On receipt of the above complaint, I prepared a seizure memo, seized the travel documents. The contents of complaint discloses the commission of offence U/S 419, 420, 468, 471, 120-B IPC & 12 P.P. Act hence, a case U/S 419, 420, 468, 471, 120-B IPC & 12 P.P. Act is registered and the original rukka along with copy of FIR, seizure memo, seized documents and pax are handed over to S.I. Devender Kaushik for further investigation.

The carbon copy of rukka and a copy of FIR is given to M.H.C.(R) for record. Other copies of F.I.R. will be sent to Senior Officers by Dak. Written by H.C./D.O.

13. Action Taken (Since the above information reveals commission of offence(s) u/s as mentioned at item No.2:

- (i) Registered the case and took up the investigation OR
(ii) Directed (Name of the I.O.): DEVENDER KAUSHIK Rank: SI
No.: 16970167 **to take up the investigation,**
OR
(iii) Refused investigation due to: OR
(iv) Transferred to P.S.(name) District
on point of jurisdiction.

F.I.R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/ informant, free of cost:

District: IGI AIRPORT P.S.: I.G.I. AIRPORT Year: 2007 FIR No.: 169 Date: 18-04-2007

R.O.A.C.:

14. Signature/Thumb Impression of The Complainant/Informant: Signature of Officer
Name: BHOOP SINGH
Rank: H.C. No.: 28822427
15. Date and Time of despatch to the court:

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