

Title: Regarding investigation in Bofors case.

12.55 hrs.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Mr. Speaker, Sir, with a heavy heart and anguish, through you, I want to convey to the entire House in the presence of the hon. Prime Minister, and the hon. Home Minister that hundreds and thousands of people from various parts of India have assembled today with the Congress flag at the Ferozshah Kotla ground since morning to register their justified grievances...(Interruptions)

Sir, on 21st May, 1991, at Sriperumbudur, the tragedy took place. Our great son of India, the late lamented leader Shri Rajiv Gandhi became a martyr on that day. During his death, no message was there because he could not speak. It was only an explosion. Possibly, he did say like this: "Let me be torn into pieces. Let nobody identify me after my death. But let the country remain united. Let the world recognise India as one." And that great leader, who was the architect of the Africa Fund, that great leader who instituted the institutions like the Panchayati Raj through the legislation, who was a visionary of the 21st century, who gave the voting right to the youth of eighteen years of age which was dawning after a few days all over India, had the courage of conviction to come before the House in 1991 to say this when Shri V.P. Singh was the Prime Minister: "Let the country and the Government, let the law of the land investigate whatever they can on the Bofors matter.

And we are interested to find out the truth." That leader was not interrogated by any agency when he was alive. Thereafter, investigation after investigation went on. No officer of the C.B.I. or the Government had the guts or had enough information to interrogate that man who was a great son of India. He died later on for the cause of the country and became a martyr.

Sir, I am thankful to the hon. Prime Minister, Shri Atal Bihari Vajpayee for his nice words while paying tributes to him in this House. He had also treated him as a great son of India. That great son is no more with us. But today, it is a pity that he has been equated with the assassins of Rajiv Gandhi and assassins of Indira Gandhi in the same manner as per the argument of the Government given on the floor of this House. We do not like to say anything on this. But we would only like to say that it is our Prime Minister, Shri Atal Bihari Vajpayee who has been championing the cause of parliamentary propriety, dignity of the House, the democratic character of all political institutions and the dignity of individuals. Shrimati Indira Gandhi was persecuted in 1977 by the Janata Party Government and they had cancelled her election to this House from Chikmagalur, but the people had responded...(Interruptions)

श्री देवेन्द्र सिंह यादव (एटा) : अध्यक्ष महोदय, मेरा जनहित का अरजेंट मैटर है।

... (व्यवधान)

माननीय केंद्रीय राज्य मंत्री पर जानलेवा हमला हुआ है।

हमने नोटिस भी दिया है। एक ही सब्जेक्ट पर बार-बार चर्चा हो रही है।

SHRI PRIYA RANJAN DASMUNSHI : Sir, they have taught a lesson to the whole nation that persecution never helps; persecution will only generate hatred and vengeance.

Sir, I would like to say from the Congress Benches today that the man who had not been interrogated, the man who was innocent, the man who had not figured in any page of the C.B.I. documentation at any stage of the investigation, the man whose name was not taken by any recipient at any stage, that man's name has been brought into the charge-sheet as an after-thought.

Sir, our leader, Shrimati Sonia Gandhi, who is not present here at the moment, has gone and represented to the President of India for the clemency of Shrimati Nalini on humanitarian grounds, because in India we should stand up for human values. I would like to ask the Prime Minister, Shri Atal Bihari Vajpayee whether dragging Shri Rajiv Gandhi's name into the Bofors charge-sheet is necessary. He may take the plea that the C.B.I. is doing it and he cannot interfere with it. But we all know as to how the cases against distinguished persons, who are still members of his Cabinet, had been withdrawn when the Janata Party Government was formed in this country. I do not like to argue on this issue. But I can only say that if the Government has the determination and will to maintain the dignity of a person who was innocent and who was the Leader of the House, it could delete his name and begin a new era in the harmonious functioning of our political system.

Sir, I would like to plead before the hon. Prime Minister that this is not the plea of the Congress people alone, but of all the sensible people of the country. The Government's agenda, of course, is to find out the truth in the Bofors case. We also want that the culprits should be booked and punished. But in the name of the trial, please do not drag the name of the man who was not only innocent, but also a visionary of the 21st Century. He was the Leader of the House and was honoured by the President of India with the 'Bharat Ratna'. I would again like to say that the deletion of Shri Rajiv Gandhi's name from the charge-sheet is not the plea of the Congressmen alone, but of all the sections of the intelligentsia. The Government should not drag his name under the plea that the C.B.I. is doing it, because it is the same Prime Minister who said in the month of August that the Government would submit the charge-sheet after the second set of documents had been received. But the Government had filed the charge-sheet before the second set of documents are available. What was the hurry? (Interruptions)

MR. SPEAKER: Shri Priya Ranjan Dasmunshi, you have given notice to speak on some other subject. But you are speaking on a different subject now.

SHRI PRIYA RANJAN DASMUNSHI : No, Sir. I have given a letter to you today.

MR. SPEAKER: In the list, your name has been mentioned as against the subject of reservation for the Scheduled Castes and the

Scheduled Tribes.

SHRI PRIYA RANJAN DASMUNSHI : Sir, I am thankful to the hon. Home Minister for having said in the last Session that he was dealing with the matter. (Interruptions)

श्री देवेन्द्र सिंह यादव : अध्यक्ष महोदय, मेरा जनहित का अरजेंट मैटर है। ... (व्यवधान) एक ही सन्नेक्ट पर बार-बार चर्चा हो रही है।

MR. SPEAKER: Shri Devendra Prasad Yadav, please take your seat.

... (Interruptions)

SHRI P.C. THOMAS (MUVATTUPUZHA): Mr. Speaker, Sir, I would like to support what Shri Priya Ranjan Dasmunshi has said. (Interruptions)

MR. SPEAKER: Yes; you can also support Shri Priya Ranjan Dasmunshi. Please take your seat now.

... (Interruptions)

MR. SPEAKER: The Minister is on his legs. Please take your seat.

श्री देवेन्द्र सिंह यादव : अध्यक्ष महोदय, मैं केवल दो मिनट का समय लूंगा, मेरा जनहित का अरजेंट मैटर है।

... (व्यवधान)

मैं दो मिनट में अपनी बात समाप्त कर देता हूँ।

... (व्यवधान)

अध्यक्ष महोदय : अभी आप बैठ जाइए, आपको बाद में बुलाएंगे।

... (Interruptions)

13.00 hrs.

SHRI E. AHAMED (MANJERI): This is what the country wants.

MR. SPEAKER: No, Shri Ahamed, please take your seat.

... (Interruptions)

SHRI E. AHAMED : Please consider it. ... (Interruptions)

SHRI P.C. THOMAS : Mr. Speaker, Sir, there was a statement earlier that this matter would be considered.

MR. SPEAKER: Shri Thomas, please take your seat.

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): This House will recall that on the last day of the last Session, this particular issue, which Shri Dasmunshi has just now raised, was raised by the Leader of the Opposition as well as some other important Members of the Opposition. Responding to it on behalf of the Government, I had said that the Government would consider the sentiments of the main Opposition and also the arguments that had been advanced and do whatever is appropriate.

Now, this matter has been raised once again today. ... (Interruptions)

MR. SPEAKER: No, no; please take your seat.

... (Interruptions)

SHRI L.K. ADVANI: Let me complete. ... (Interruptions)

MR. SPEAKER: I have not allowed you. Please take your seat.

SHRI L.K. ADVANI: After I had made this assurance to the House, I reported to the Prime Minister whatever had transpired in the House. Accordingly, the Government had then sought the opinion of the learned Attorney-General of India on the demand that the name of late Shri Rajiv Gandhi should be deleted from column two of the charge-sheet filed by the CBI. It was also mentioned that some earlier cases had been withdrawn.

The issue regarding Janata Government, etc., was also referred to.

The learned Attorney-General gave a detailed opinion to the Government. He said:

"My opinion is sought on two questions: firstly, whether it is permissible for the Government to accede to the aforesaid demand with regard to the deletion of the name of Shri Rajiv Gandhi from the charge-sheet as filed by the CBI;

Secondly, whether Government should initiate any action or proceedings under section 321 of the Criminal Procedure Code in this

behalf."

This is that section which empowers Government to withdraw prosecution. The dynamite case, etc., etc., was also referred to.

"In my opinion, section 321 of the Criminal Procedure Code does not come into the picture for the simple reason that no charge has been framed nor has any prosecution been launched against late Shri Rajiv Gandhi.

Consequently, the demand that Government should suggest to the Public Prosecutor that he may withdraw from prosecution or that there should be withdrawal of prosecution of late Shri Rajiv Gandhi under section 321 of the Criminal Procedure Code is entirely misconceived."

He has further said:

"The question about the competence and permissibility of the executive Government giving directions to the Enforcement agencies in the matter of investigation in prosecution of offences has come up before the Supreme Court in a number of cases."

The Attorney-General goes on to opine:

"In my opinion, having regard to the well-settled legal position, as declared by the Supreme Court, it would not be open to the Government to direct or seek from the investigating agency deletion of the name of one of the accused named in column two.

SHRI PRAVIN RASHTRAPAL (PATAN): He is not an accused. ... (Interruptions) He is no more alive. ... (Interruptions)

MR. SPEAKER: It is a legal opinion.

... (Interruptions)

SHRI PRIYA RANJAN DASMUNSI: His name was not in the FIR. ... (Interruptions)

SHRI L.K. ADVANI: I am only quoting the opinion of the Attorney-General. ... (Interruptions) These are not my words. ... (Interruptions) These are the words of the Attorney-General. ... (Interruptions)

SHRI PRIYA RANJAN DASMUNSI: Shri Advani, you are a competent Minister of Home Affairs. ... (Interruptions) How can you accuse? ... (Interruptions)

SHRI L.K. ADVANI: He says:

"Any such direction or action by the Government will amount to an interference with the course of investigation and prosecution by the agency, namely, the CBI and would be impermissible in law."

Look at the words that are used... (Interruptions)

Sir, they may disagree with it, but I am merely quoting the opinion of the learned Attorney-General and I would beg to lay on the Table of the House the learned opinion of the Attorney-General in its entirety.

"...In the course of discussions that day, as for allegations that some people are being spared in the Bofors Case, these are entirely unfounded. Investigations are in progress and the CBI has the freedom to file supplementary chargesheet as and when documentary evidence against other persons mentioned in the FIR is received. The question of Government sparing anybody does not arise."

SHRI PRIYA RANJAN DASMUNSI: Sir, how can he say that he was an accused?... (Interruptions)

श्री देवेन्द्र प्रसाद यादव : अध्यक्ष महोदय, मैं लोक महत्व के अत्यन्त आवश्यक विषय की ओर आपके माध्यम से सरकार का ध्यान आकर्षित करना चाहता हूँ। ... (व्यवधान)

SHRI RAJESH PILOT: How can you do that Sir? This is not correct... (Interruptions) I have a question to ask from the hon. Home Minister... (Interruptions) I am sorry, this cannot be done like that... (Interruptions)

अध्यक्ष महोदय, १९८९ का चुनाव हुआ था। उस चुनाव में हर विपक्षी दल ने राजीव गांधी जी पर एक चार्ज लगाया था कि उन्होंने ८४ करोड़ रुपए की रिश्वत ली। हम लोग भी वह चुनाव लड़ कर आए थे। पटना की रैली में आज भी नहीं भूला हूँ। उस रैली में सभी लीडर्स ने खड़े होकर कहा था कि लोटस एकाउन्ट में वह पैसा चला गया। आज सरकार कह रही है कि उन पर कोई चार्ज नहीं है। आज सरकार देश से कहे कि राजीव गांधी जी ने कोई पैसा नहीं लिया। राजीव गांधी उसमें इनवाल्व्ड नहीं थे। हमें इस पर कोई ऑब्जेक्शन नहीं है लेकिन सरकार यह बात भी नहीं कह रही है। वह अभी भी मामले को गोल-मोल कर रही है। सरकार सच्चाई बताए कि वह पैसा किस ने लिया है और कहाँ गया? वह इसकी खोज करे। हम इस मामले में उनके साथ हैं। सरकार एक तरफ कह रही है कि उन पर कोई चार्ज नहीं है और दूसरी तरफ कह रही है कि नाम नहीं हटाया जा सकता है और यह एक्यूज्ड है। ये दो राय कैसे चल सकती है? इन्होंने लीडर्स ने कहा था कि ८४ करोड़ रुपए लोटस एकाउन्ट में गए। आप आज के पेपर्स उठा कर देख लीजिए। हम जब चुनाव लड़ रहे थे तो इस बात का जवाब देना भारी पड़ रहा था। आज भी सरकार सच्चाई सामने क्यों नहीं ला रही है? सरकार को इस बात की सफाई देनी पड़ेगी। देश के सामने सच्चाई लानी पड़ेगी। आप स्वर्गीय नेता को इस तरह बदनाम नहीं कर सकते हैं। यह सरकार को सोचना पड़ेगा।

... (व्यवधान)

श्री देवेन्द्र प्रसाद यादव : अध्यक्ष महोदय, मैं एक महत्वपूर्ण विषय की ओर सदन का ध्यान आकर्षित करना चाहता हूँ।

... (व्यवधान)

MR. SPEAKER: Nothing will go on record, except what Shri D.P. Yadav says.

(Interruptions) ... (Not recorded)