

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND MINISTER OF  
FOOD AND CIVIL SUPPLIES (SHRI  
H. K. L. BHAGAT) : It is also mentioned  
in this Notification.

PROF. MADHU DANDAVATE : That  
is all right.

*(Interruptions)*

SHRI S. JAIPAL REDDY (Mahbub-  
nagar) : I would like to know whether the  
inquiry against Mr. V. P. Singh...

*(Interruptions)*

MR. DEPUTY SPEAKER : Mr.  
Bhagat, you may move for extension of  
time.

SHRI H.K.L. BHAGAT : Hon. Member,  
Professor Madhu Dandavate, I invite your  
attention, I said it in the morning.

*(Interruption.)*

PROF. MADHU DANDAVATE : Don't  
waste the time. I have followed you before  
you had spoken.

SHRI H. K. L. BHAGAT : I am glad at  
least once you have followed me. Sir I move  
that the sitting of the House be extended by  
another one hour.

*(Interruptions)*

MR. DEPUTY SPEAKER : He wants  
the sitting of the House to be extended by  
one hour.

SHRI C. MADHAV REDDI : Sir, how  
long are we going to sit ?

MR. DEPUTY SPEAKER : One hour.

*(Interruptions)*

SHRI H. A. DORA (Hanamkonda) : Sir,  
why can't we take it up day after tomorrow ?  
How long we have to sit now ? *(Interruptions)*.  
We will take up this issue day after to-  
morrow.

SHRI H. K. L. BHAGAT : Sir, I am  
moving this motion for extension by one  
hour. If necessary, we are prepared to sit till  
midnight if you want.

MR. DEPUTY SPEAKER : I hope the  
House will accept this. Now, Mr. Bipin Pal  
Das may speak.

*(Interruptions)*

18.13 hrs.

DISCUSSION ON THE STATEMENT OF  
PRIME MINISTER REGARDING  
APPOINTMENT OF A SUPREME  
COURT JUDGE TO ENQUIRE IN-  
TO ISSUES CONNECTED WITH  
UTILISING FAIRFAX GROUP  
OF U. S. A.—*Contd.*

*[English]*

SHRI BIPIN PAL DAS (Tezpur) : Mr.  
Deputy Speaker, Sir, even before the Hon.  
Minister made his statement regarding the  
appointment of Inquiry Commission in detail,  
I could not follow for what purpose the  
Opposition wanted to debate. I could not  
follow this because what they have said to-  
day, with all respect to my distinguished  
friends on the other side, whatever they  
have spoken today are mere repetitions of  
what they spoke on 31st of March, Sir, on  
that day we had an exhaustive debate. All  
points were answered by the Hon. Minister.  
They wanted to have a dig at the Prime  
Minister or the Finance Minister or the for-  
mer Finance Minister or Mr. Amitabh  
Bachchan, and all those allegations were  
countered. Today they are trying to drive a  
wedge between Shri Vishwanath Pratap Singh  
and Shri Dinesh Singh. If that is the pur-  
pose of this whole motion and debate, I am  
sorry to say that they are not doing justice  
to this Parliament, as Members of Parliam-  
ent. As I have said, in the last debate,  
all points were cleared. When all points  
were cleared, the bunch of tyres of  
the Opposition were totally punctured. And  
today, taking a clue from the Prime Minis-  
ter's statement, they are trying to reinflate  
the tyres. They will not succeed in that.

Now, what is the purpose of this debate? It is the Prime Minister's statement. What is wrong in that statement, Sir? There was a controversy going on. They wanted a debate. The Speaker allowed the debate and the debate did take place. Even after the Hon. Minister of State for Finance made all the points clear, even then the controversy went on, on the basis of telephonic conversation with Mr. Hersbman. Is this the way Parliament should function? Should Parliament function on the basis of telephonic conversation with some strange man, who might have been somebody from somewhere?

SHRI INDRAJIT GUPTA : (Basirhat)  
Hired by you.

SHRI BIPIN PAL DAS : We have not hired. It has been answered by the Minister.

PROF. MADHU DANDAVATE : It is an engagement.

AN HON. MEMBER : That is the subject of debate.

SHRI BIPIN PAL DAS : We have to protect the honour of Parliament. Are we not self-respecting Parliamentarians? Is ours not a self-respecting nation? But they made a big noise and that is why the Prime Minister had to come forward with a proposal to institute an inquiry commission. They are demanding a committee of Parliament. What is wrong with the inquiry Commission? As I said at the beginning, after the Minister has read out the terms of reference, the names of the judges and everything in detail, I do not think any purpose will be served by continuing this debate; it would be fruitless and futile discussion.

Now, why should they demand a Committee of Parliament instead of this judicial inquiry? After perhaps the Prime Minister had made the statement, unfortunately they thought that it would just be an ordinary enquiry by a judge. When Mr. Bhagat made an announcement this morning that it will be a judicial inquiry under the Commissions of Inquiry Act, they were unnerved completely. You go through the record of their speeches. (Interruptions)

I am not joking. I am a serious man. I am a teacher. I do not make debating points only for the sake of points. That is not my life. You go through your speeches. What is the new thing that you have brought out? I want to know what is the new thing that has been brought out which you did not say on the 31st of March? (Interruptions) I have great respect for a man like Mr. Chatterjee, a learned advocate a great son of a great father. We knew his father also; he was a barrister. I listened to the speeches very thoroughly... (Interruptions)

[Translation]

SHRI INDRAJIT GUPTA (Basirhat) : It is their habit, let them speak.. you should allow your own Member to speak.

[English]

SHRI BIPIN PAL DAS : I listened to the speech of Mr. Chatterjee very carefully. I listened to my old friend, Mr. Jaipal Reddy very carefully and Mr. Bhattam Srirama Murty, both of whom are my old friends. But I heard nothing new. Series of questions, aimed at the Prime Minister, series of questions by Shri Somnath Catterjee, by Shri Bhattam Srirama Murty, by Shri Jaipal Reddy and there have been series of questions. Well, if there is any doubt on any matter, the Enquiry Commission will find it. It will be an open enquiry. You have seen how wide the terms of reference are. It will be an open enquiry and after the Enquiry Commission gives its report, the report will be before you for a debate. What is wrong in it? I do not want to quote what Mr. Morarji Desai has said about this matter. Your own ex-Prime Minister, Mr. Jaipal Reddy Prime Minister, has said that a judicial enquiry is better than an enquiry by a parliamentary committee. It is his opinion. He is a seasoned old politician. My argument is, what a parliamentary committee, on an issue like this, will do? It will have a majority vote. Today majority is with the Congress. Again they will shout, because Congress is in majority, the Government is in majority and, therefore, it has given a verdict in favour of the Government. Can you get the real truth? Do the public of India want the truth or not? If so, let it come from the highest judicial authority, from which we expect truth. The highest

[Shri Bipin Pal Das]

authority for justice and truth is the Supreme Court. It is the highest judiciary.

**SHRI C. JANGA REDDY :** (Hanamkonda) Will it be published ?

**SHRI BIPIN PAL DAS :** It will be published. It will be placed before the House. You can read it, if you have the eyes to read. You can know it if you can understand the language. Let us have an Enquiry Commission. You will know hard facts.

I come to the final point. I shall not take more time. Many things have been said unnecessarily.

Last point is what is the purpose ? Am I to understand that Mr. Jaipal Reddy or Mr. Bhattam Srirama Murty or Mr. Somnath Chatterjee are unintelligent people ? No. They are knowledgeable, very intelligent people. But they are doing nothing but a repetition of a drama. What is the purpose and how are they doing it ?

They are aiming their swords and guns and they are aiming their guns only at Mr. Rajiv Gandhi all the time, not at anybody else.

The very purpose of all this drama is to destabilise the Congress Government and to break up this Government.

I assure my friends : Try all your guns, all your weapons. You can never split up the Congress Party. Congress Party is united and solid.

**AN HON. MEMBER :** What about defections ?

**SHRI BIPIN PAL DAS :** All the seats that we got in the last elections, did not come from the defection. They were elected by the majority of the people.

I am concluding. My real regret and surprise is that this is happening at a time when forces of destabilisation are active inside the country and also from outside the

country. I am not suggesting anything. But all this is happening at a time and all this is going on at a time when the forces of destabilisation are very active inside the country and also active from outside the country. You should guard against this. If this has motivated my learned leaders of the Opposition, well, I have no comments. Let the people of India comment. Let the people of India comment on why they are making this noise....(Interruptions) Ask the people whether they are satisfied or not. Ask them whether they want a Parliamentary Committee, a politically motivated Committee, or an inquiry by a judicial mind. Certainly tomorrow or the day after, when the truth comes out, the real motive of the Opposition in trying to paralyse or obstruct or harass this Parliament will be certainly questioned. Be sure about that.

So far as my Party is concerned, you may talk about anything—Vishwanath Pratap Singh or Dinesh Singh or this or that. The Party remains solidly united. You cannot break it. If you want to break it, go to the people. The next general elections are coming very soon. Go to the people, and not by this means.

**SHRI INDRAJIT GUPTA (Basirhat) :** Mr. Deputy Speaker, Sir, I cannot join the company of intelligent colleagues. Let at least one unintelligent man speak here...

**MR. DEPUTY SPEAKER :** How do you call yourself 'unintelligent' ?

**SHRI BIPIN PAL DAS :** I did not say 'unintelligent'.

**SHRI INDRAJIT GUPTA :** You said, they were very intelligent, and I have said, let one unintelligent man speak here. I do not think you will object to that.

**SHRI BIPIN PAL DAS :** I am objecting because you are the most intelligent person in the House.

**SHRI INDRAJIT GUPTA :** I am sorry, the last speaker made a comment about Parliamentary Committees being politically motivated Committees. I am sorry he used this expression...

**SHRI BIPIN PAL DAS :** Committees of this nature, not Public Accounts Committee or Estimates Committee.

**SHRI INDRAJIT GUPTA :** You said, a Parliamentary Committee—not of this nature or that nature. (*Interruptions*)

**SHRI BIPIN PAL DAS :** What I meant was this. A Parliamentary Committee of this nature, which will have to deal with a subject where politics is involved, is bound to be guided by political considerations.

**SHRI INDRAJIT GUPTA :** I believe, even the Parliamentary Committee on Privileges where many controversial issues are taken up, has always functioned as a real Committee of Parliament and never allowed party considerations to come...

**SHRI BIPIN PAL DAS :** Well, we know what happened in the case of Shrimati Indira Gandhi. We have not forgotten that.

**SHRI INDRAJIT GUPTA :** I tried to save you from interruptions from your own Members, and this is the way you are rewarding me... (*Interruptions*)

A question is being asked repeatedly as to what was the purpose of this debate and what was the purpose of demanding setting up of a House Committee. I think, the purpose has become very clear. It is because of the pressure which is being generated by this demand of ours, by the debate, and by the effect it has had outside that little by little, step by step, piece by piece, reluctantly or whatever it is, certain things are coming out which are welcome I welcome those things, You had never said anything in the beginning. For three days now, beginning from Friday to today, Monday evening at 6.30 p.m., now, bit by bit, you see we are being assured that this will be done and that will be done. (*Interruptions*)

The Prime Minister had said that this judge—at that time it was one judge, not two judges—would be selected in consultation with the Chief Justice of India. I do not know whether that has been done. You have not mentioned anything about it. Please clarify it at the end, whether these two judges were

selected in consultation with the Chief Justice of India... (*Interruptions*)

Certain things in this statement are welcome—that the Report will be ready in about three months' time, that it will be laid on the Table of the House, then it will be discussed here. About the terms of reference also—of course, I cannot speak off hand because I cannot remember all the points which he said—I hope the Government will not be averse to taking some further suggestions regarding improvement of the terms of reference. If it is suggested and you consider those terms of reference to be worth considering, this Notification of yours can be amended on certain points. The Parliament was seized of the whole matter. The discussion was going on. In spite of the debate that was held, the discussion was going on. The privilege motion was pending. It had not been disposed of by the Speaker. He said that he would give a ruling later on. We had not reached that stage. That is why we felt very much aggrieved. In the middle of the Parliamentary process the Government tried to short-circuit the debate in the Parliament by this method, by this diversionary method, I should say, on the last Friday of taking it out of the parliament and putting it somewhere else. That is why we are offered.

I don't think there is any higher body in the country than the Parliament, according to our Constitution. Therefore, they should have a little more faith and confidence in the Parliament where they themselves have got such a huge majority. They should not be so scared of this Parliament. After all, the minority here is a very small minority. What are you so afraid of? Unless you feel in your heart of hearts that what the minority is saying has got majority support outside, there is no reason for you to be so nervous.

Anyway, that is why we are insisting on a House committee. I don't share the views of Mr. Gadgil or my friend here who said that the Parliamentary Committee will mean political parties fighting inside the Committee. Has it ever happened in any Parliamentary Committee?

**PROF. MADHU DANDAVATE :** They don't read reports.

**SHRI INDRAJIT GUPTA :** They don't read reports. They don't have any faith in the Parliamentary system. Only we have been told here that we are imitating the House of Commons, we have patterned our model on the model of Westminster. I think the Westminster does not behave the way that we are behaving here. The House of Commons does not behave the way that people behave here. Please study a little more. If you really want to copy the Westminster and the House of Commons, then certain traditions, certain conventions, certain privileges of the Parliament have got to be respected and honoured.

Therefore, we have made this demand and we still feel that a Parliamentary Committee, a House committee, would have been more appropriate in this particular case. The Government has a brute majority here they have decided.

**AN HON. MEMBER :** Brute majority ?

**PROF. MADHU DANDAVATE (Rajapur) :** No, human majority ?

**SHRI INDRAJIT GUPTA :** Now I want to take up only one or two points very briefly which deal with some other aspects of this whole affairs. I don't want to repeat what my friends on the other side have said.

One big question that has arisen being posed in the country, is that whether it is correct, advisable or not advisable to engage any foreign investigative agency for work of this type. The point is not whether it is an American agency or not. It that the point ? Nobody would object if it was a Japanese agency or a British agency or a West German agency. It is only because it is an American agency located in the USA that some well-meaning friends on the other side of the House are constantly talking about destabilisation by imperialism and CIA and so on. CIA is of course very clever. They don't operate only in that way. They could operate equally through an agency located in some other country.

Anyway, my point is that have you got any independent machinery to carry out

investigation against economic offences which are being committed abroad by our people ? Have you got any adequate machinery ? You have no machinery. For years and years now, thousand of crores of rupees are being smuggled out of this country. Illegal accumulation of funds abroad is being done in gross violation of the Foreign Exchange Regulation Act by companies, by corporate bodies and by individuals.

According to the international Monetary Fund's report last year, at least Rs. 2000 crores is the estimate that they make that is smuggled out by companies and individuals from India—not only to Swiss Bank but to other places also. I would like to know from my friends who are so much worried about destabilisation by imperialism, this fact. Yes, we are worried also. But we don't have a simplified view of it. There is a thing called economic destabilisation also. If this is not a method of economic destabilisation of a country which is so short of resources which is having to fight life and death battle for resources, what else is it ? You don't know where to get resources from. We are in such an economic difficulty now. But you permit people to smuggle thousands of crores of rupees out of the country and you have no machinery by which to catch them or to bring them to book. Therefore, I cannot shut my eyes to a situation like this that you may have to—it is an unfortunate thing but it is a reality—hire some foreign agency sometimes who may be much better equipped than you because you do not have any such agency to make an inquiry to find out what is happening in those countries where these Indian economic offenders are operating otherwise you will never catch them, unless you can develop machinery of your own which you have not done so far. But I agree if the Government decides that it is necessary to engage a foreign agency we should be very vigilant about its antecedents, connections and the terms and conditions on which they are hired. Of course, we have to go into all that. But simply to why should foreign agency be hired this by itself is a theory to which I cannot subscribe until you develop your own independent agency.

If there is *prima facie* evidence that there is being carried out flagrant violations of

FERA and you are not able to catch those people because of inadequate information it may be necessary to employ a foreign agency provided you are sufficiently vigilant about the nature of that agency.

Now in the present case the matter which has agitated us and agitated the country also is that two conflicting statements have been made. For goodness sake at the end of this debate please try to clear it up because what was said here by Mr. Brahma Dutt earlier does not tally with what Mr. V. P. Singh has been saying. It is one thing to say that we did not engage an agency; we never hired anybody; it was somebody in the nature of an informer like we have Police informer or somebody may have some information at his disposal and somehow or the other he got it and if we pay them or reward him he may give us that information. This is not the same thing as engaging an agency but this does not tally with what Mr. V. P. Singh has said. He has said that I take the responsibility for our having engaged these Fairfax people. We do not know as yet from Mr. Brahma Dutt whether this responsibility is only of Mr. V. P. Singh or perhaps also of you and not of the rest of the Government. The rest of the Government wants to wash its hands of it. For what? What is the Prime Minister's stand on this issue? Does he defend what you have done? He should come and say. Should he not? This is Parliament of India. This is a serious matter being discussed. He is now the Finance Minister. He should make it clear. He should not leave any loopholes by which people can suspect may things. Either he must defend what is being done or he should repudiate in which case other consequences will follow. It is no use saying here, "You can not break the Congress party." We are not trying to break the Congress party. It is not the question of Congress party. It is the Government of India. Therefore, we want that the Government should behave and carry out its operations in a way which are above board and suspicion. So, I at least am not satisfied as yet. If you feel that Fairfax was a security risk for the country then what Mr. V. P. Singh is going around saying should be controverted. Somebody should have the courage on that side to controvert it and say, with information at our disposal, we believe that Fairfax was a big security risk

for the country, exposing the country to the risk of being blackmailed and subverted and, therefore, it was wrong to engage this Fairfax company. Who did it? We would like to know who did it. Is it a case of collective responsibility or you are trying to put a particular Minister in the dock. We would like to know.

Now there is a peculiar situation—two Indian companies, one foreign investigating agency and two of our own investigating agencies—one CBI of the Home Ministry and the other Enforcement Directorate of the Finance Ministry, one foreign company Fairfax, one company Reliance Industries and one company Bombay Dyeing both known to be bitter rivals in this industrial commercial world. This is the scenario. These are the people who together are landing our country into such a firstclass major scandal. We are supposed to be politicians. Isn't it? Who are these people? Are they not politicians? What are they? They are playing ducks and drakes with the country's resources, with the country's money and funds. Now the CBI, I think, of the Home Ministry does not see eye to eye in this matter with the Enforcement Directorate of the Finance Ministry. The two are at each other's throats. A compromise can be brought about perhaps if the Enforcement Directorate is willing to give to the CBI whatever information it has received from Fairfax. If you say they have received no information, please say so. Then why you set up all this Supreme Court Judge and all that? You could have disposed of the whole matter here in five minutes by making a statement. Horrible! What are the two Judges going to look into, I can't understand.

Mr. Gurumurthy, whose name I came to know the first time when I read it in the papers, I am an ignorant person—I don't know this person.

AN HON. MEMBER: He is not even a Guru nor a Murti.

SHRI INDRAJIT GUPTA: I don't know what he is. But one thing I know which has come out now. You may arrest him and you may prosecute him or do anything I am not much interested, But Mr.

[Shri Indrajit Gupta]

Gurumurthy has certainly played some role in exposing the economic offences of this Reliance Company. That doesn't mean now that I am on the side of Bombay Dyeing. In any case, here he exposed certain things, for example, the import of the whole Patal Ganga plant without paying any customs duty. Is it a fact or not? It is after his exposure only that customs duties were levied on these people. Otherwise the whole plant was imported without paying any customs duty. You allow these things to go on! You only start saying that why should a foreign agency be employed. You do something to stop these things. Here in questions and answers in the House, it came out that Rs. 100 crores of loans (approximately) was given by our nationalised banks to 45 investment and trading companies, who wanted this money in order to invest in the debentures of Reliance. Later on, an inquiry was made by the Reserve Bank of India. RBI Deputy Governor has said in his report that these loans were given completely in violation of the guidelines of the Reserve Bank of India. Then they were ordered to recover these loans. I do not know whether these loans have been recovered or not. This is all going on in our own country.

All I want to say finally, Sir, there are one or two questions because they have been raised in some parts of the Press. Press may be indulging in speculation and rumour-mongering. I do not know. The best way to dispel is for you to clear up the facts. Was only one agency involved or were there more agencies involved? That we should know. Is it only Fairfax or are there some others?

Secondly, was the inquiry to be directed only against certain companies or against certain individuals also? Press has written about these things. I want to know whether it is true or false.

AN HON. MEMBER : What about Tatas?

SHRI INDRAJIT GUPTA : Tatas I am not mentioning because I don't think we will reach Tatas now. Reliance has already been

let off the hook because of what has happened. Reliance was going to be caught, I think. But now Reliance is let off the hook. Nothing will happen to Reliance. Next was going to be Tatas perhaps. But there are some individuals, Sir, mentioned widely in the Press reports. One of them is the brother of an honourable Member of this House—not the honourable Member but his brother. It is mentioned that the Government of India has in its possession the copy of a letter addressed to our Government by the immigration authorities—Immigration and Citizenship Department of Switzerland—saying that this gentleman has applied for citizenship there. He was informed that he will not be given citizenship unless he complies with certain conditions: One of them being he has to show a substantial amount of holdings in the Swiss banks or property equivalent to that amount. It is a huge amount, one million dollars or something. Later on, it was found that that gentleman had fulfilled those conditions. How did he get that money and was any enquiry thought of against him also? If so, what is the fate of this enquiry? Is it pending or withdrawn or what has happened? Are these not disturbing things which will continue to worry people unless the Government clears up the matter and tell us the truth? I do not want to take more time, but I am not much impressed by this theory of being on guard against destabilization. What is destabilization? Please explain that. Imperialism has appeared on the scene behind the curtain. We are sufficiently worried about our economy. I think, you know that. We are supposed to belong to some broad anti-imperialist spectrum of opinion. But let me say and tell my friend Mr. Gadgil that destabilization does not come about in this way, that imperialism picks out one person as a target and goes on trying to destabilize that person. If the whole system gets destabilized, political and economic, then no individual can save the country also. I would welcome it if the ruling party joins hands with everybody else to spare no pains and leave no stone unturned to see that this does not happen. I would call them crooks, those people, who are cheating the country, robbing the country of its resources, robbing the Government also, but the Government does not seem to be worried about it, about transferring huge sums of money illegally out of the country. If they are not caught and if their nefarious

activities are not stopped, this is the surest way of undermining and destabilizing the economy of this country and nothing will help imperialism more than that. Therefore, please do not bring in all these red herrings across the track. It would not help at all.

For the last few days, I have been having some messages coming from various quarters to me. This afternoon I received one also in my ears, saying: "After all, you belong to a leftist party, don't you see, how imperialism is coming in to destabilize this country?" Let us leave these considerations aside. At least one good development of this whole episode and this debate and discussion inside the Parliament and outside has been that Government has at least now thought it necessary to set up this Commission of Enquiry under the Commission of Enquiry Act I hope the terms of reference would be adequate so that these are not confined to only to some company which was being investigated by Fairfax. This also we know from the telephonic statement of Mr. Hershman saying: "No, no. I was only commissioned to look into the affairs of a particular company." Why should I believe him if he is an unreliable source? Why should I believe him on this point? He may be looking into some other things also. Some individuals may be involved, who are close to some high personages here in our country. He should tell us the whole thing. If it is not true, please do say so I will be very relieved to know that. Let this Commission get going. Let anybody, who has any evidence and has anything to say, be given a free opportunity to appear before the Commission. We know what happened in some Commissions recently. Peoples were pressurised not to give evidence: That has also happened. Peoples were threatened, who wanted to come and give evidence. Their statements are on record. As I have said before once in this House, I am sure, as everybody in this country, Members of the ruling party, should have been more anxious to have the report of the Commission of Enquiry into the circumstances surrounding the assassination of a Prime Minister in this country. Are the people of this country never to know how she was killed, what was the conspiracy behind and who was responsible for this? I am really pained; I cannot understand it that such a Commission's report should be

hushed up, not be laid before the House and not be made public. What is more important that that? You want to talk about destabilization. Was the killing of Indira Gandhi not a step towards de-stabilization? And may not imperialism and its agents act again and again? But you have hushed up that report. Can you tell us now that it would not be so and everything in this case will be put on the table? Then it is all right. But what about that? Why did you hush up all that? That was a thing which is unprecedented in the history of post-Independence India, that is the assassination of the Prime Minister.

AN HON. MEMBER : In the whole word.

SHRI INDRAJIT GUPTA : Well, I do not know. People in the neighbouring countries are often bumped off like that, but not in our country. What I want to say is that this is the reason why we are sceptical about it and we are not so convinced as you are about the bona fides of the Government with regard to the inquiry commissions. Anyway, now I would request you this. Since you are rejecting our demand for House Committee, by which we still stand in spite of everything that is being said, if you are going ahead with this commission, please see to it that it really works within the time limit and parameters fixed for it. About the terms of reference you should please be flexible enough. We heard the terms of reference only orally just now and after we studied them within a day or two, allow us, if necessary, to make some suggestions. You may try to accommodate that by amending the notification. There is no harm in it. If you are going to have an inquiry, let it be really comprehensive. Take this opportunity so that all these things can be cleared up. That is all I have to say.

MR. DEPUTY SPEAKER : Shri Bhatia,

SHRI AMAL DATTA (Diamond Harbour) : May I have a point of order? Sometime ago, you gave a ruling on Rule 352 (v) which says :

"reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms."

In that there is an Explanation...

*(Interruptions)*

MR. DEPUTY SPEAKER : I have given the rulling on this.

SHRI AMAL DATTA : Sir, 'Kaul and Shakder' says...*(Interruptions)*

MR. DEPUTY SPEAKER : No please.

SHRI INDRAJIT GUPTA : You said that you would go through the record and then only give the ruling.

MR. DEPUTY SPEAKER : I said that. I will go through that.

SHRI AMAL DATTA : Let me please...*(Interruptions)* You hear my point of order.

MR. DEPUTY SPEAKER : There is no point of order. You cannot go on like that...

*(Interruptions)\**

SHRI AMAL DATTA : You please hear this...*(Interruptions)*

MR. DEPUTY SPEAKER : I told you that it is not my final ruling

SHRI AMAL DATTA : I am on a point of order. You must hear that point of order.

MR DEPUTY SPEAKER : I have told you that I would go through the record. There is no point of order. On this I gave my ruling. I do not wat to hear ..

*(Interruptions)\**

MR. DEPUTY SPEAKER : Mr. Amal Datta, you please take your seat. I have already told you my opinion. Please sit down. I have not allowed you to say anything more.

SHRI AMAL DATTA : How can you not allow me to have my point of order ?

MR. DEPUTY SPEAKER : There is no point of order. Regarding point of order I have already given the ruling. You please sit down. I am not allowing you to speak. Please sit down. |

*(Interruptions)\**

SHRI R. L. BHATIA (Amritsar) : Sir; after the statement of Shri Brahma Dutt, I do not think there is any necessity to carry on with this debate because in his statement he has made it very clear and all the objections raised by my friends opposite—each one of those objections has been met. But since you have permitted the debate, I would like to say this to my learned friend Shri Indrajit Gupta, who is just leaving the House. He has said in the middle of the discussion that this judicial Commission should not have been set up, because the debate was going on and they were having discussions and the Government has issued a statement that a judicial Commission will be appointed: what is the objective of the whole debate; what we are all seeking for; what for all these days we have been discussing for because, you want to know the truth What is the truth in the FAIRFAX affair ? Will this judicial inquiry satisfy you or not by finding out the truth ? In his speech, he has mentioned that we in this House don't behave in the same fashion as the Members in the House of Commons do. I think he must be referring to his own friends, who are always misbehaving in the House in the Zero Hour and otherwise or may be that he was referring to Prof. Madhu Dandavate, who on the other day was telling us fairy tales. How the Minister want to Switzerland to find out from them...*(Interruptions)* He must be mentioning to the learned friend Prof Madhu Dandavate you only make fairy tale...*(Interruptions)*

PROF. MADHU DANDAVATE : I have only quoted...*(Interruptions)*

SHRI R. L. BHATIA : It is not just on facts. I am very much surprised today to hear Mr. Indrajit Gupta in defence of C. I. A. because some of my friends referred that this American company may be an outfit of C. I. A. But today, he was saying, well C. I. A does not operate like this. He is more knowledgeable. He says their place is different to operate and that means the FAIRFAX complaint is not...

*(Interruptions)*

SHRI K. P. UNNIKRISHNAN (Badagara) : Who is responsible ? Is Indrajit

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\* Not recorded.

Gupta or whether this side or your Government is responsible ?

SHRI R. L. BHATIA : In his speech, he was defending the C. I. A. I am just referring to that.

SHRI K. P. UNNIKRISSHMAN : Who appointed the Commission ?

*(Interruptions)*

SHRI R. L. BHATIA : He was one of those people in the same House...

*(Interruptions)*

PROF. MADHU DANDAVATE : If you are attacking Mr. V. P. Singh, you attack him directly. Why do you attack him through us ?

SHRI R. L. BHATIA : I am only talking about C. I. A. which Mr. Indrajit Gupta referred to Earlier Mr. Somnath Chatterjee also referred to certain things. He said, he acted like a judge, perhaps as if Government of India has appointed him or Opposition has appointed him. He was passing judgement. The first judgement which he passed was that Mr. Brahma Dutt will be a 'sacrificial Goat'. The Commission has been appointed just now, the terms of reference has been given now and no judgement has come from the Commission and he has passed the judgement that Mr. Brahma Dutt will be a 'sacrificial Goat'.

SHRI SOMNATH CHATTERJEE (Bolpur) : Bhatia Sahib, you are on a very sticky wicket. After seeing the performance of your MLAs in Calcutta, you are saving.

*(Interruptions)*

SHRI R. L. BHATIA : Does it have any reference to FAIRFAX ? By these kinds of tales which you tell the House, do you want to divert from the issue ?

*(Interruptions)*

He also passed a judgement on Mr. V. P. Singh, why he had made a statement outside the House ? This is his privilege. A

Member can make a Statement wherever he wants. Can he need a permission of Shri Somnath Chatterjee to make a statement ?

19.00 hrs.

Sir, the whole question is that this discussion rallies round the Fairfax as to who appointed it, what was the object of appointing them, what was the case given to them and who made them payment and all these questions which were raised earlier and raised today also. But what Mr. Brahma Dutt has stated today has covered all and I think, they should be satisfied. Sir, I am surprised that in this House the issues facing the country do not get precedence. They always raise issues in which they can get importance in which they can get publicity or some sort of thing. Well, we are having so many issues before the country like rise in communalism, rise of secessionism, how the foreign country forces are interfering in our affairs, trying to destabilise.  
*(Interruptions)*

MR. DEPUTY SPEAKER : Can I request Members to be silent ? Please listen to the Member.

SHRI R. L. BHATIA : They are interested in the issues like this by which they can have importance and publicity and that is their sole aim. Sir, my request is that by such issues is it the people of India who get anything ? It is by raising such issues they only want to divert the attention of the nation from the real issues which they are facing and that is the purpose of this debate.

Sir, I congratulate the Prime Minister for appointing this judicial commission because this tells all the stories and fancies which they have brought out in this House. They are trying to confuse the people. By appointing a judicial enquiry you have set right all these things. So, I congratulate the Prime Minister and the Government for appointing judicial enquiry. If they want just importance that is different thing. But the nation wants this truth and the judicial enquiry is the only thing.

Sir, so far as they are concerned, they do not believe in the rules because everyday

[Shri R. L. Bhatia]

they make noise. They have not trusted the Speaker of the House and similarly they do not have the faith in judiciary of the country which is the supreme body.

**SHRI DINESH GOSWAMI (Guwahati) :** Mr. Deputy Speaker, Sir, the ruling party is trying to say that the Prime Minister has been extremely fair in going in for this judicial enquiry. Yes, Sir, the Prime Minister has tried to be fair because he has been foxed. What is this Commission of Inquiry for? Who raised the question of propriety of utilising this Fairfax Group incorporated in the United States of America. This Commission of Inquiry has been announced because there has been a debate. Who has initiated the debate? The debate has come from the Opposition and not my friends in the ruling party. Therefore, if this Commission of Inquiry has been instituted, it is not as a matter of grace of ruling party, but it is because of ever vigilant press and Parliament.

**MR. DEPUTY SPEAKER :** Please order.

**SHRI DINESH GOSWAMI :** My friends are shouting. Sir, when I was a young lawyer, I had to face a senior lawyer in a case. So, I went to my own senior and said that I am facing a senior and placed before him the arguments which were advanced in the court. I asked my senior. Will you kindly help me? He went through the argument and said: "Look here, this argument of senior can be met by the rulings of the court." So far as these arguments are concerned, he has tried to interpret it in a particular way, you interpret in a different way". But about a third argument, he said: "Look here; here his arguments are absolutely convincing. Therefore, thump your table and yell like hell." This is precisely what my friends on the other side are doing.

**THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) :** This is what you are doing every day.

**SHRI DINESH GOSWAMI :** Sir, we got things bit by bit. On the first day, when this debate on Fairfax took place, the Minister of State Mr. Brahma Dutt tried to gloss over everything: 'There was no engagement; we only asked them to act as an informer.' But, unfortunately for them, the Minister's statement here on that day, and the statement of Mr. V. P. Singh were completely contradictory. Even today, there is a statement. I am sure he will not say that he did not say it yesterday, viz. 'This Group was engaged'. After that, the statement of Mr. Hershman came. We had to fight every inch in the House to go deep into the matter.

Then on the 3rd, the Prime Minister made a statement viz. of referring the matter to a Supreme Court Judge. If it was in the mind of the Government to make it a judicial enquiry, why was this not mentioned on the 3rd statement—the obvious. The reason is that on the 3rd, Government wanted to have it as a private enquiry; but on the next day, again the Opposition said that it would not permit it, the next statement has come. But even then, it is during the debate that the terms of reference have been mentioned. I will come to the terms of reference a bit later.

I am not opposed to the institution of a judicial enquiry. My friend Mr. Vithal Gadgil and Mr. Bipin Pal Das have spoken against a committee of Parliament. May I remind them of their speeches on the Kanti Desai issue where they opposed reference to a Judge on the ground that the parliamentary committee is the only committee which can really adjudicate this issue? (Interruptions)

Will Mr. Vithal Gadgil and Mr. Bipin Pal Das look to their tradition? At that particular point of time, I was opposed to the Janata Party. At that particular point of time, I supported the reference of the matter to a Judge. I must say that that was accepted and accommodated, after we had a very prolonged discussion with the ruling party. Today, of course, they are saying that a parliamentary committee is bound to be partisan. There are 2 or 3 things. I am not

going into the Fairfax issue, but I am treating this matter merely from the point of view of convention of parliamentary democracy, and its various aspects. If there is a judicial point to be determined which does not come within the purview of determination by Parliament, then the judicial authority, in my submission, is the proper authority. But supposing the issue is whether a Member has committed a breach of privilege of Parliament—i. e. it is a decision which is within the purview of Parliament—will you permit that decision to be determined by a Supreme Court Judge; or, will you keep that decision with yourself? Parliament has zealously guarded its privileges. It is not so today; the British House of Commons and our Parliament have zealously guarded their own privileges. I will give one example.

One of the important Financial Committees of the Parliament came to a finding that a particular officer was guilty of illegality and impropriety; and the Committee gave a direction to the Government: to terminate the services of that employee. Then the Government issued him a notice in terms of Article 311 to the employee pointing out that: the Parliamentary Committee found him guilty of these improprieties and illegalities and asked him to show cause why his services should not be terminated. That officer wrote back to Government saying that. In order that he might be able to give an effective defence, and on principles of natural justice, provide him the documents and the evidences on the basis of which the Parliamentary Committee acted. Government wrote to the Hon. Speaker, requesting for permission to hand over those documents to that officer. The Hon. Speaker refused, saying that these were the exclusive matters of Parliament, and that the evidence could never be handed over to that person; with the result, the evidence was not handed over to that person, and no action could be taken against that person.

Here, what is the position? The position is that Mr. Brahma Dutt made a statement that Fairfax was not engaged. Our own notices of privileges were pending, on the 3rd, when the Prime Minister made a statement. Today, the Speaker gave a

ruling. When all the notices were pending, at that particular point of time, Government had no jurisdiction or authority to take the entire matter outside the purview of Parliament. Supposing the Speaker today had admitted one of our notices, what would have happened?

Now the question is whether Mr. Brahma Dutt has misled the Parliament, whether Mr. Brahma Dutta has correctly placed all relevant facts in the Parliament, whether Mr. V. P. Singh has correctly the Parliament, whether Mr. V. P. Singh's statement is correct or Mr. Brahma Dutt's statement is correct, are matters to be determined by this Parliament; and this Parliament and this Lok Sabha must zealously guard this right; and we will not allow and we would not like that some outside agency to investigate this.

Supposing the Supreme Court tomorrow says that this agency was engaged not as an informer but really as an agency to investigate all aspects, can we take action against Mr. Brahma Dutt merely because the Supreme Court has said so? No. Because then again a matter shall have to come before the Committee of Privileges, because, we, Parliament, will not be bound by the decision of an outside agency however high their judicial agency may be. The House; before it can take action, or its own Committee must come to its finding that a Particular Minister is guilty of breach of privilege or not. Therefore, on this particular aspect, which is under the exclusive jurisdiction of the Parliament, I am opposed to refer it to the Supreme Court. In fact, I differ with my friends who want a House Committee that if there is any matter which does not come within the purview of the Parliament, and instead requires judicial determination, I will always prefer a Commission of Enquiry to enquire about it. But here there are areas on which Parliamentary right is infringed. In spite of the fact that ruling party members may not like it, we would like zealously to guard this right which the House of common have guarded for hundreds of years. We will never allow this matter to go outside the precincts of Parliament. This is for the first time in the history of our Parliament that our own domestic matter of this Parliament has been

[Shri Dinesh Goswami]

sought to be enquired by an outside agency, by a court of enquiry. I have got many strong objections against referring this matter to an outside agency.

Now coming to this Notification, regarding terms of enquiry the sixth item is : was the security of India prejudiced in any manner for making such an arrangement ? I believe this is not a matter which a judge can decide; this is a political matter to be politically determined whether engagement of an American agency is a threat to our security or not. If it is not a law question for a judge to decide; it is a political matter which this House either through a Committee or the entire House has to decide. (*Interruptions*)

AN HON. MEMBER : This is irrelevant. (*Interruptions*)

SHRI DINESH GOSWAMI : All right. Now, the Commission of Enquiry is being asked today to determine whether engagement of this agency was a threat to our security and the man who had engaged it is the Defence Minister of this country. How do you reconcile it ? If really the case of the government is that the government is not sure whether engagement of Fairfax is a threat to our security or not which requires— I am sure I am not irrelevant now—an adjudication by not less than two judges of the Supreme Court, at the same time the person who has engaged it and who has taken full responsibility of the engagement, can he be kept as the Defence Minister of this country ? Suppose the Judge of the Supreme Court tomorrow gives a verdict against him, what will happen to the interim period ? I hope I am relevant now.

AN HON. MEMBER : You are always relevant.

AN HON. MEMBER : Let a judge decide.

SHRI DINESH GOSWAMI : Precisely. Let a judge decide. You have placed this point before the judge. Therefore, to my mind, I am saying these are the points

which the judge cannot decide; these points are to be decided politically by political personalities.

Now the point is that the court has been asked to adjudicate the facts and circumstances under which it was engaged. What is the nature of engagement ? Under whose authority was it engaged ? Is a judicial judgment necessary on this ? If Mr. Brahma Dutt places documents by which Fairfax was engaged all the three questions can be answered right now. The Government engaged Fairfax.

It is not the Opposition that engaged the Fairfax. Either this document is in the file of the Government or the document is not in the file, or the Government are suppressing that document. There are three conclusions.

The first term of reference is, what is the nature of the engagement ? Who has engaged ? It is the case of the Government that the Government has engaged. According to you Mr. Minister it has been engaged by you as an informer—we will go to that later on—but the Government has in fact employed Fairfax may be as an informer, or an investigating agency. Therefore, when you have engaged a particular agency there will be a document showing the terms and conditions under which you have engaged it. There are three possibilities : that you have the document in your custody; that you are not willing to place that document because if that document is made public, something will come out which you do not want to come out. Thirdly, that the document is not at your disposal, or it may be in the custody of someone else who is not under your control or authority. Kindly place this document on the Table of the House. What has the Court of enquiry to decide ? You can immediately place the document on the Table of the House, under which Fairfax was engaged, then you can deal with number (a), you can deal with number (b), you can deal with number (c), you can deal with (d), you can deal with number (e) and so on.

What will the Judge do ?

AN HON. MEMBER : Only security remains.

**SHRI DINESH GOSWAMI :** And if you do not place this document before the Judge cannot decide. I have not been able to understand this.

**SHRI SOMNATH CHATTERJEE :** He will go to Kalibari.

**SHRI DINESH GOSWAMI :** Please place that document here, From (a) to (e) of the terms the Judge has virtually nothing to decide. Who is component to carry on the task entrusted to it? All right, this may be one aspect. Was any payment authorised to be made to Fairfax? Who has decided to make payment?

The document itself will show. Was any payment authorised? Was any payment made, Mr. Brahma Dutt? The payment must have been made by you. Therefore, you know whether payment was made or not? Kindly tell us whether payment was made or not.

What is the significance of the inquiry by two Judges of the Supreme Court? Whom are you trying to fool?

**SHRI SOMNATH CHATTERJEE :** Very good.

**SHRI DINESH GOSWAMI :** Merely because you are.....Merely because what was being available with you is going against some of your own Ministers—I do not want to go into that now (*Interruptions*)

**SHRI SOMNATH CHATTERJEE :** Already gone.

**SHRI DINESH GOSWAMI :** Just a last question, I would like to put. What will happen to the inquiry by Fairfax is it that just because this matter has been now made a subject of enquiry. Will the enquiry against the economic offenders be carried on by another agency? (*Interruptions*)

We would like to know it. Definitely Fairfax was engaged either as an informer or as an investigating agency to inquire into the affairs of certain referred to persons. What will happen to that inquiry of Fairfax which has become a subject of a judicial enquiry by

the Supreme Court? Is this talk of Fairfax being taken over by another agency of the Government of India or by any outside agency—correct? You must tell us. Or is it that this enquiry goes and when the enquiry goes there will be no enquiry into any economic offences outside this country? And this is a pertinent point which we would like you to answer. Kindly, will the Minister kindly give an answer?

Friends from the other side were saying the other day that 'they were all against black money'. We are all against black money and therefore when this war against the black money is on, which is the organisation whose help you are taking today to fight this black money menace, because either you must have your own agency, but according to Mr. V. P. Singh a domestic agency is not sufficient or capable to tackle this problem. Therefore you must take the help of an outside agency. Fairfax is under a cloud. You have put them in the enquiry by the Supreme Court. Therefore, you must go to some other agency. Kindly tell us which such agency you have in mind. If you do not want to go to any other agency, then kindly till this inquiry is completed and the report is submitted, so far as outside money is concerned, tell us that the Government is not going to do anything and our fear is that while trying to give some kind of fairness you are trying to protect those against whom reports were given. Because, now no report will come. And the Government is trying to protect those persons against whom economic offences are there. Now, you kindly give specific and positive answers—not the type of answers which were given last time. I hope you will give answers today, and there will be no need of another Commission of Inquiry because of the discrepancies of your answers.

**MR. DEPUTY SPEAKER :** Shri Sharan Dighe.

**SHRI K. P. UNNIKRISHNAN :** There are strong rumours in the Central Hall that the Minister of Defence has resigned. Is it a fact or not?

**MR. DEPUTY SPEAKER :** We have not received anything. And you are telling that it is only a rumour.

SHRI S JAIPAL REDDY : I am making improvement over his statement. There are reports that the Minister of Defence has resigned.

PROF. MADHU DANDAVATE : Even that might be referred to the Commission which is being appointed.

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF PETROLEUM AND NATURAL GAS AND MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI BRAHMA DUTT) : You are yourself calling it a rumour.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF CIVIL AVIATION (SHRI JAGDISH TYTLER) : From this you can understand their mental make up.

SHRI K. P. UNNIKRISHNAN : I do not have to carry a certificate about my mental make up from my friend. (Interruptions)

MR. DEPUTY SPEAKER : Please order.

SHRI JAGDISH TYTLER : This is their fear psychosis. After three months you will come to know... (Interruptions) I have proved my point about Mr. Unnikrishnan's mental make up.

MR. DEPUTY SPEAKER : May I request the Hon. Members to keep silence ? I have called the next speaker. (Interruptions)

SHRI SHARAD DIGHE (Bombay North Central) : The discussion that is going on since 4 O' clock in this House under the guise of discussing the announcement of the Prime Minister of appointing a sitting judge of the Supreme Court to go into this question is the second inning which the opposition is playing as far as this subject is concerned. On 31st March already they have played the first inning on this subject of Fairfax. And the opening batsman, the Hon. Prof. Madhu Dandavate, I think, in his young days was a cricketer...

PROF. MADHU DANDAVATE : Even now I am a cricketer.

SHRI SHARAD DIGHE : But on 31st he was clean bowled in this House as soon as the Hon. Minister, Shri Brahm Dutt, got up and denied of his having gone to Switzerland. Further on the personal explanation, the Hon. Member also explained about his facts and the facts about his brother. Then also the allegations were falsified in the House..

The opposition had then some high hopes that there must be some cleavage in the Cabinet or in the Congress Party and those high hopes were also levelled to the ground when the Defence Minister got up and said he shares the responsibility and also made clear that there was no occasion when he went with a file to the Prime Minister having declined to give permission. So, when all these points were denied, then the whole show was over on that day. Even the journalists have made a comment that it was a poor performance of the Opposition on that day. Now, not being satisfied with that performance, this is the second inning which they want to play today in the guise of this announcement of the Prime Minister. If you see carefully all the speeches of the Members of the Opposition, they have very little to say about the justification of sending this matter to the House Committee except to say everything again on the question of Fairfax. Therefore, some opportunity is being sought to raise the same debate in this House because under the rules the same debate cannot be raised in the same session. Therefore, this another device has been found out by them. Now I can understand their dilemma. In this whole Budget session, there has been no issue with them which they can raise in this House successfully and, therefore, they are trying to seize this one issue and want to keep it alive throughout the session and, therefore, one after the other they are using these devices. I am sure that even hereafter also they will try to continue to raise the debate again and again.

As far as this question of appointment of Supreme Court Judges to inquire into this matter is concerned; I may say that the Government has taken a great risk in giving this inquiry under the Commission of Inquiry

Act. It would have been the short cut and the easiest way to appoint a committee of this House but the Government has given a wider scope to the Opposition by making this appointment. Now the Opposition is in such a mood that whatever the Government may announce, they would not like that toy but they would like to have another toy and for that they will fight in this House. First they thought that no inquiry would be made in this case but when the announcement was made by the Prime Minister, then they were taken a back. Then they were hoping that this inquiry would be only by a Supreme Court Judge and it would not be under the Commission of Inquiry Act. When that was also done, they thought that the terms of reference of this Commission may not be wide but when the terms of reference were made clear, then a doubt was raised that the amendment to the Act would be utilised for this purpose and the Report may not come before this House at all. When that announcement was also made, then no point was left with the Opposition as far as this matter is concerned.

Some doubt was raised by the opening speaker of the Opposition namely, that there is no legal matter involved and, therefore; why is the Government referring it to a Supreme Court Judge. But if we go through the Commission of Inquiry Act carefully, legal point is not necessary at all. The only question is that the inquiry should be into a definite matter of public importance. It does not mean that there should be some legal point and then only a commission of inquiry can be appointed. If the matter is of public importance, then it can be appointed.

If we consider the advantages and disadvantages of the House Committee and this Commission of Inquiry, anybody will understand that this is a very wide scope as far as the Members are concerned and as far as even the public is concerned because the Commission of Inquiry has very wide powers of summoning witnesses, going to any place, calling for any record and also cross-examining many witnesses. So, that would be a very wide inquiry as far as this matter is concerned. But if we had appointed only the House Committee, then what would be the consequence? It is easy to say that the House

Committee are beyond party level. The examples are given of the Estimates Committee and the Public Accounts Committee, etc. But we know that this is barely theoretical. It is in the usual circumstances. When politics is involved, these Committees many times cases to be non-political. The Privilege Committee has always shown that when there is a political question, the voting is according to the party line. Therefore, it is not easy to say all this—if House Committees had been appointed, every body would not have allegiance to his own party. Therefore, the House Committee which would have the majority of the ruling party how do you except that instead of the Supreme Court Judges Enquiry Committee, this would be a better Committee? This argument that the House Committee would have done better is not a good argument at all.

The Commission which now is not having only one Judge but two judges have been appointed and it has also been made clear that the Chief Justice was consulted. After consulting the Chief Justice this independent body has been appointed to enquire into all these matters. But here if you want to keep the subject alive, then nobody can satisfy you. But as far as this is concerned, I submit that within three months the Report will come before the House and this House will have an opportunity to discuss. Nothing is short circuited. Whatever notices are there, when we hear the rulling, it is not based upon this—that now that the House Committee is not being appointed, therefore, notices, have been over-ruled. Nothing has been short circuited. Notices are decided on different facts and not on the assumption that this judicial enquiry has been appointed. Therefore, nothing has been short circuited. This House will have full opportunity, even after the Report also, it will be discussed. If they want to use any further device, they can use it.

SHRI VIR SEN (Khurja) : I move that the motion be put to vote. I am moving the closure of the debate.

(Interruptions)

Either you give dinner or you discuss it tomorrow,

SOME HON. MEMBERS : You put it to vote.

*(Interruptions)*

AN. HON. MEMBER : He wants closure.

MR. DEPUTY SPEAKER : There are only two speakers left. Therefore, we will finish. Mr. Unnikrishnan and Mr. Chaturvedi are there. We will finish thereafter.

*(Interruptions)*

MR. DEPUTY SPEAKER : It is not fair on your part to insist on voting now. Only two Members are left. Mr. Unnikrishnan.

*(Interruptions)*

MR. DEPUTY SPEAKER : It is left to the Speaker to accept. Let him speak.

*(Interruptions)*

MR. DEPUTY SPEAKER : The Hon. Member can move but ultimately it has to be accepted by the Chair. It is in the discretion of the Speaker.

*(Interruptions)*

MR. DEPUTY SPEAKER : Now it is time. There are two speakers. Let them speak. I cannot accept it.

*(Interruptions)*

MR. DEPUTY SPEAKER : Order please. I cannot accept.

SHRI HARISH RAWAT (Almora) : Sir, how can you dispose of his point of order like this ?

*(Interruptions)*

MR. DEPUTY SPEAKER : Please order.

SHRI AJAY MUSHRAN (Jabalpur) : Sir, can he promise that he will not speak for more than two minutes ? *(Interruptions)*

MR. DEPUTY SPEAKER : Please take your seat. Now, Mr. Unnikrishnan, you please speak.

SHRI K. P. UNNIKRIISHNAN (Badagara) : Sir, there are some people who imagine that they have the monopoly of all truth. But there are others who think that the truth may always be somewhere and there is a grey area. Sir, this is one of the motions the significance of the substance of which goes far beyond the limited issue of using or employing of an US agency for detecting illegally accumulated foreign exchange holdings abroad, whether it be in Switzerland, or Bahamas, or Hongkong or Luxemburg or Singapore or other tax havens in violation of the Laws of the land. Then the revelation of the fact of use of a foreign agency for the purpose of investigation and the near panic response of the Treasury Benches, contradictory stances...

SHRI AJAY MUSHRAN : No, nothing at all.

SHRI K. P. UNNIKRIISHNAN : You can reply to it afterwards. I do not yield now, Sir. I will repeat it, I can repeat it hundred times and you cannot brow-beat me like this. From the revelation of the fact of use of a foreign agency in investigation, the near panic response of the Prime Minister is in seeking the services of the Supreme Court Judges.

What stands out is the mindlessness and bankruptcy of a Government which came in with an unprecedented mandate. The object lesson of the Fairfax episode is that you can have a mandate, but cannot govern for the Government has lost its political will and purpose and it has no policy framework. Therefore, it cannot and does not function. The Cabinet is rendered into a group of sycophants and the party which backs at a group of back stabbers to be used at leaders convenience. This is the disturbing Government landscape. *(Interruptions)*

MR. DEPUTY SPEAKER : Please order.

SHRI AJAY MUSHRAN : You are reading out. *(Interruptions)*

SHRI K. P. UNNIKRIISHNAN : We are used to this device. *(Interruptions)* I have

been here in this House when you were in college. So, don't teach me all these things. (*Interruptions*). The Euphoria is over and with it unfortunately a crisis of Constitution and confidence looms large. What is all this hullabaloo about? Faced with the problem of a grave balance of payments problem a determined effort was launched by the former Finance Minister to look around for sources of leakage of foreign exchange. He used both carrot and stick. I have no defence and I am not speaking in defence. He can defend himself. But he has also used infamous methods of apology and settlement and also investigations and raids. (*Interruptions*)

AN HON. MEMBER: Where is the order? (*Interruptions*)

SHRI K. P. UNNIKRISHNAN: My dear friend, who brought forward 'No Confidence Motion' against the Government in this House? It was me. Do you know that? You better read and understand this. You are talking about Goenka, agents of Goenka are all talking about Goenka (*Interruptions*). He used both carrot and stick. He used the method of investigation and raids. I have opposed his policy and his statement in this House. I must pay a humble tribute to Mr. V. P. Singh, in spite of my serious policy differences with him, for taking his task too seriously without fear or favour, he looked at Reliance, Thapars, Tatas, Bata or Kirloskars. He took his job a little too seriously. Probably that was the political mistake he committed. He took his job a little too seriously. His instrumental officers similarly were men of outstanding work and integrity. Let nobody try to say that they were men of straw and that proved to be their undoing. That is why they have to face CBI probe and possibly removal. What was the scenario of events? Sir, here was a Minister or Ministry looking for information, let us say, on X, Y and Z, and they located Fairfax—about other agencies I shall come latter—with the direct or indirect help of a textile tycoon. The question arises. What is the normal procedure adopted by the investigative agencies, by the Enforcement Directorate, by the Directorate of Revenue Intelligence and other agencies when confronted with such a situation? Was such

a procedure followed in this case? That is the most significant question. Or, whether they are taken for a ride by someone if somebody planned information? And what were the terms and conditions under which they were employed? I am happy, that has been included in the terms. And what is more important, I do not say under what circumstances we should, at any rate, employ any agency. That is not the basic question that comes up. Apart from innuendoes of some friends from the Treasury Benches the question arises: How an agency which, on its own admission, was working for the United States State Department, was chosen? Whose slip was it? No Commission can exercise their political judgment, no judicial authority, however competent, can go into what is basically a political question. That is exactly why we demand a parliamentary probe and not a judicial probe. Now, from the speeches it is essentially a political issue. Only a *Baba Log* Government could have entrusted such a sensitive task to such an agency. Here is an agency which is sitting in the State of Virginia lecturing to the Government of India and the very fact that such an agency was chosen shows the poor political judgment to which I commented earlier. Sir, is it not a fact that in October 1986, the Director of Economic Intelligence, Mr. M. L. Wadhawan, made a trip to the United States? Is it not a fact that he held a series of meetings in New York, in Lexington Hotel? Would it be denied? Was it not a fact that Mr. Wadhawan gave his report after a series of meetings and suggested that an agency be employed after an appraisal of possible agencies and in December did the Fairfax executives come to Delhi? Were they not wining and dining with the Department of Revenue and their officials? Was it or was it not with Ministerial approval? And why did Mr. Bhure Lal finally make yet another trip to New York and on route also to Europe, different destinations of Europe? Who is afraid of Mr. Bhure Lal? There is a play called 'Who is afraid of Virginia Wolf?' Who is afraid of Mr. Bhure Lal? Not merely Tatas, Goenkas and many others and Reliance who have sacked away their millions. Did he or the Government of India engage other agencies in Europe and in other parts of the world, particularly Brussels and Geneva? The question has not been answer-

[Shri K. P. Unnikrishnan]

ed : Would the terms of reference be enlarged to include all such agencies employed in the recent past, not merely Fairfax ? Or did the tentacles of these investigative agencies extend to Geneva, Zurich and even Lugano ? Whom did it frighten ? Who is afraid again of Mr. Bhure Lal ? Why did he have to be put up before the CBI ? It has not been explained. It has not been explained why Bhure Lal is facing the CBI. Can it be denied that Bhure Lal has not been interrogated by the CBI ? The CBI was under a charter. The CBI does not go and get hold of somebody. Who authorised and for what reasons and what is the method, about which the House has not been taken into confidence.

SHRI SOMNATH CHATTERJEE  
(Bolpur) : Why was he not removed :

SHRI K. P. UNNIKRIISHNAN : That is for administrative convenience, you can say. The new Minister does not have the confidence in him. Removal, I can understand. (*Interruptions*) Transfer, I can understand. But not facing the CBI enquiry. Why should he face ? This question has not been answered. That is why, the Government considered this matter to be of distinct public importance but its probe should not be by a parliamentary committee. The judicial inquiry cannot go into all the aspects. A parliamentary committee could have set unlimited terms of reference and given a report within the time fixed by this august House. After all, there have been a number of cases in the past which have been gone into by the parliamentary committees, not merely the question of the Privileges Committee.

How is this mandarin called the Council of Ministers, a government without a mind of its own acting ? On 31st March, Mr. Brahma Dutt, for whom I have great affection and regard says that Fairfax were only informer. Fairfax were only informer. Informer means, he is a casual basis. Sir, he gives some information, he takes the payment and goes away. But Mr. Vishwanath Pratap Singh did not forget to tell this House that he shared the responsibility. Responsibility for what, for employing Fairfax. Or was it a casual collection ? On

3rd April, the Prime Minister considered this, and this Government considered this to be a matter of crucial public importance, on which questions continued to be raised. On 5th April, Mr. V. P. Singh, not to leave anything to chance, used the opportunity in the flight from Vizag to Delhi to tell the Press that he defends the deal. And he has many—I do not know whether it is true—uncharitable things to say about some of his own colleagues. Then, we have this debate today. Sir, nothing has happened except this notification which has been read out. Mr. Brahma Dutt remains as he is, whatever may have been the contradiction that is apparent to the House. The chair-leaders are active, Rajiv Gandhi Zindabad. Everybody is safely enthroned in his seat with perks, and bungalows, and nothing happened. Is this the Government ? It is the rudderless Government flouting the Act. Sir, is this the Clean Government or a Government with Mafia link ?

Who is afraid of whom ? Sir, now there has been a lot of talk about destabilisation. My very dear friend, Mr. R. L. Bhatia—I do not see him here—talked about destabilisation. The answer has already been given by Mr. Indrajit Gupta. Sir, a Government which opens the door for multi-nationals, which subverts its own policy, policy pronouncement of the Indian National Congress right before independence and after independence, which subverts the entire policy framework that the Congress has adopted under the leadership of Pandit Jawaharlal Nehru and the Government which submits itself to the terms of IMF and the World Bank and opens up commercial borrowings, that Government is talking about destabilisation. (*Interruptions*) It is not destabilisation of a region or a Government. It is destabilisation of the State and the system. It is destabilisation of the State and the system (*Interruptions*).

THE MINISTER OF STATE IN THE DEPARTMENT OF PUBLIC ENTERPRISES IN THE MINISTRY OF INDUSTRY (PROF. K. K. TEWARY) : It is an unmitigated canard, and the Congress has not deviated from its policies. (*Interruptions*)

MR. DEPUTY SPEAKER : Mr. Tewary, please take your seat.

SHRI K. P. UNNIKRISHANAN : It is not destabilisation of a Government or a leader. As it happened in Chile, it is destabilisation of a political system. It is destabilisation of a State. They should know the difference between the Government and the State. Sir, destabilisation, if at all, takes place in this country, it will take place in that Party, in that very Party. The signs can be seen and are visible. Therefore, let nobody talk about destabilisation. (*Interruptions*)

MR. DEPUTY SPEAKER : Please take your seats, all of you (*Interruptions*)

SHRI K. P. UNNIKRISHANAN : The question before us is simply this. (*Interruptions*). I am sorry that truth hurts and sometimes truth pricks also. (*Interruptions*) And that is why I can understand this stance. I am not surprised at it at all.

The question is, you have a mandate but, you cannot govern. This Government is standing on a precipice. (*Interruptions*)

You talk about clean Government. But you have a Government, as I report what I said on an earlier occasion, when the Gangotri is impure, nobody can say this is Ganges. (*Interruptions*)

MR. DEPUTY SPEAKER : Now Shri Brahma Dutt.

THE MINISTER OF STATE OF THE MINISTRY OF PETROLEUM AND NATURAL GAS AND MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI BRAHMA DUTT) : Mr. Deputy Speaker, Sir, first of all I apologise to Shri Somnath Chatterjee for speaking in Hindi. Hindi is my mother tongue. Even otherwise also I am of the view that.

[*English*]

Language is only a vehicle of thought.

[*Translation*]

I can express myself better in Hindi. Therefore, I am speaking in Hindi.

The most important question that arose from this discussion was as to what is after all the purpose of this discussion? I feel that after announcement of instituting a judicial enquiry and its terms of reference, there was not much left in the discussion.

Shri Somnath Chatterjee has asked very good questions and he should thank us that we have done more than what he expected has to do. He has demanded five things from us, but if the Notification is studied thoroughly, then it becomes clear that we have given more than five things.

Now the question arises whether the Committee should be there or not. If the Committee is constituted, then it will be said that—as is said often that we have got brute majority here—ours is brute majority in the Committee...(*Interruptions*)

[*English*]

Don't worry, Mr. Jaipal Reddy, I will speak very pleasantly.

[*Translation*]

There is an old story in which there were one father, one son and one donkey. The father and son had a donkey. Son asked his father to sit on the donkey... (*Interruptions*) You must have heard this. I, therefore, do not want to repeat it. Whether the father sits on the donkey or the son, or both may walk on foot, people will keep on saying something or the other. You too have to keep on saying. We as well as the people of the country are of the view that the Supreme Court is the highest institution in the country and every one has confidence in it. I also remained leader of the Opposition for 6 years and I always had demanded judicial enquiry and have accepted the judicial enquiry. People also feel satisfied with the judicial enquiry and it should be so.

Another thing that was said repeatedly was that there is contradiction between my statement and the statement made by Shri Viswanath Pratap Singh. It was said that he had said something else yesterday. I would like to draw the attention of the

Hon. Members towards these sentences only :

[*English*]

"There was nothing unusual, illegal or immoral about the Government buying intelligence from abroad or engaging a free agency for the same."

[*Translation*]

I have also said this that our relation with them was that they will give us the information and we will make payment to them for that. Today again the questions have been raised. My difficulty is that when I was replying to this the other day, then also I was repeatedly interrupted in the same manner. I do not know whether you have not been able to understand my point or you do not follow Hindi and as such you have not understood it or alternatively, no effort has been made to understand of all. (*Interruptions*)

The entire case is before the Judicial Commission. But even then I would like to repeat that I had furnished adequate information to you the other day. Its status was not that of the RAW or the C. B. I. Its status was that of an informer only which furnishes information and it is paid for furnishing the information. Other important information that I had furnished is that the Fairfax Group did not furnish any vital information to the Ministry of Finance or the Government of India. You are putting the same question again to me to-day. The third thing that I had said is about...

SHRI BASUDEB ACHARIA (Bankura) :  
Then why is enquiry being held ?

SHRI BRAHMA DUTT : Enquiry is being held so that everybody is satisfied. We do something in order to get self satisfaction. One crime we had committed earlier. In the year 1979, we had done so. In order to fulfil the last wishes of a very old man, we had made him the Prime Minister, so that his soul may rest in peace. To-day also we are afraid of the same thing. We are making enquiry for your satisfaction, not for us. (*Interruptions*)

It is so that dialogue can be made at any time and I understand these dialogues very well. But please listen to me for a while.

The third important thing that I had said is that we had circulated a questionnaire to the companies abroad, which related to some companies in India. We got their reply direct and through this company also. At that time I had said that it had done the job of a courier. We did not pay even a single paisa to them. I had said this thing that day also. I was of the view that you would be having any new proofs. (*Interruptions*)... You had nothing new with you. But Shri Unnikrishnan brought a new thing and spread a rumour. He wanted to spread rumour in this august House. But new facts do not spread rumours.

I had also referred to the statements of Mr. Hershman. I am very surprised that you believe the statement of such a person. You talk of C. I. A. and American imperialism and take the statement of Mr. Hershman to be correct. You believe it and treat our statement to be wrong. Mr. Hershman is the person who calls himself as Harris in India. A person does not have the courage to utter his real name here and you talk of such a person. As regards him, I had said that his statement is an interference in our internal affairs. We strongly protest to his statements.

Now I am repeating the same thing only. I had said the other day that the Fairfax did not furnish any information about any Hon. Minister or his relatives—and we have not received any information from them. (*Interruptions*)

He has got his own problems. We are in no way concerned with them. (*Interruptions*)

20.00 hrs.

Problem will be created now. Thereafter I said why are you asking about the payment even to-day. Shri Somnath Chatterjee also is asking. I said that neither did we make the payment nor we authorised anybody to make the payment. What more clear thing you want to listen and please listen further... (*Interruptions*)

SHRI C. JANGA REDDY (Hanamkonda) : Please go ahead.

**SHRI BRAHMA DUTT** : Yes, I shall give you the facts. Finally, it was repeatedly asked if any laxity is being shown in the action against the economic offenders. I had said that even stronger action is being taken against economic offenders. I furnished proofs that there has been more raids. But the Government is a continuous process. Shri Unnikrishnan was saying that I did not stand to defend Shri Viswanath Pratap Singh. He is himself the Defence Minister. He is there to provide to all of you. In fact, everything was made during the discussion on 31st March.

**SHRI BASUDEB ACHARIA** : What was made clear.

**SHRI BRAHMA DUTT** : The thing which was clear is this. When I put a question to Prof. Madhu Dandavate "Where are you" and what he said is recorded. He said, "I am on the floor." The entire opposition had come to the floor. I want to say to the Hon. Members of our side that Mr. Hersbman has infused a little bit of life in him. He issued some statements ... *(Interruptions)* He said that he is not prepared to hold talks with anybody. That day also I had said that his statements were beyond his jurisdiction. This will be dealt with on a separate front... *(Interruptions)*

**SHRI C. MADHAV REDDI (Adilabad)** : You had said that you will take action against him. What did you do ?

**SHRI BRAHMA DUTT** : Taking action against him does not mean to look at his face. It means the action which is to be taken by us. When action will be taken, you will be informed. I do not want to let you know as to what we will do. Because if I say something, you will talk to him over telephone and apprise him of all these things. Whatever is to be done, we will do.

**SHRI PIYUS TIRAKY (Alipurduars)** : Will you set him right ?

**SHRI BRAHMA DUTT** : Of course, we will set him right, we will set right not only Mr. Hershman, but also his colleagues and those who are seeking his help...

*(Interruptions)*

**PROF. MADHU DANDAVATE** : Hon. Minister of Defence had sought his help.

**SHRI BRAHMA DUTT** : He did not seek his help. Professor Sahib, if you have got any information, I can have your information. The Hon. Minister of Defence is not there any more. I am ready to purchase information. You do not bother... *(Interruptions)* If somebody provides any information, he will be paid. It is a question of honesty. I am very grateful to Shri Gadgil. He had very politely and intelligently said one thing which I have already said. If the House committee is constituted, the Congress has 407 Members. If 407 is subtracted from 544, the remaining Members belong to the opposition. If a committee of 10 Members is formed, only two Members would belong to the opposition. There also you would have said that 8 persons did not listen to 2 persons. You will continue to make aspersions. Either the House Committee or the Judicial Committee would have been constituted. Shri Gadgil has clarified this thing in a very refined manner that political overtones come up in a committee of the House, whether or not it is in the Constitution. We people are divided politically and its proof is that the entire opposition cannot unite on any one point.

**PROF. MADHU DANDAVATE** : You may please tell us if politics has ever entered in any of the Parliamentary committees whether it is P.A.C. or E. C.... *(Interruptions)*

*[English]*

The issues taken up by Public Undertaking Committee have political and economic overtones, but we unanimously arrive at a decision.

**SHRI BRAHMA DUTT** : Let us not have political overtones.

**SHRI ANANDA GOPAL MUKHOPADHYAY (Asansol)** : It was by a committee of the House that a privilege motion was brought in against Shrimati Indira Gandhi and she was debarred from the membership of the House.

SHRI BRAHMA DUTT : A very shameful thing was done. I know that convention. *(Interruptions)*

MR. DEPUTY SPEAKER : Order. Order, please.

*[Translation]*

SHRI BRAHMA DUTT : As regards the Parliamentary Committees, I have highest regards for them. But there are certain subjects which come within the purview of the parliamentary committees and some-times there is consensus among Members on a particular issue. As the Hon. Member has stated, the behaviour of Members is very shame-ful sometimes. This matter is about enquiry. We as well as you have faith in the Supreme Court. If we show any disrespect to the Supreme Court, you can blame us that we have showed disrespect to the Supreme Court. You should welcome it and especially those who are advocates should welcome it even more. At some Stage or the other, they will engage an advocate. You are both ways benefited. If you are engaged by the Fairfax or by any company of Bombay, you are both ways benefited. You are gainer all through. *(Interruptions)*

Shri Bhattam has said that we have tried to the sidetrack the entire issue by referring the case to the Supreme Court. However, I am of the view that there was no pressure on the Prime Minister in this regard. He is sure that he has nothing to hide. Hence he has given more than what you had demanded. You have talked about terms of reference. You said one thing that new terms of references be made. A chit has been received about the terms of reference. I want to know your opinion about it. It has been said therein that the following item may also be included in the terms and references :—

*[English]*

“The conduct of opposition with regard to Fairfax.”

PROF. MADHU DANDAVATE : We accept that. Officially do that.

SHRI BHAGAWAT JHA AZAD (Bhagalpur) : We oppose it. *(Interruptions)*

*[Translation]*

SHRI BASUDEB ACHARIA : Please do it; Please do it.

SHRI BRAHMA DUTT : There is nothing to feel offended about it. A suggestion has been put forward. I placed it before you and you accepted it. I shall send it to the Council of Ministers and the Hon. Prime Minister.

*[English]*

SHRI BHAGWAT JHA AZAD : We oppose it.

*[Translation]*

SHRI BRAHMA DUTT : I Shall also send your opinion. I am here only for the purpose of sending your and all others' opinion. A question was put forward before us. Shri Bhattam who was the third speaker said that 33,000 dollars were paid. I said at the very beginning, on 31st March and now also I am repeating the same that not to speak of 33,000 dollars, not even a single dollar has been paid. Had 33,000 dollars been paid, there was no need for Mr. Hershman to issue such a statement. He is misguiding the Hon. Members by his statements and putting pressure on us so that we may pay some money to him. Shri Chandrakar spoke about the economic offenders. In this regard I would like to assure you that so long as the Government of Shri Rajiv Gandhi is there, no economic offender, whethere from Bombay, Calcutta or Madras, will be spared.

You have pointed out one thing here that we not have adequate machinery for it, but I would like to tell you that we are going to gear up the machinery. We can take assistance of such foreing agencies which do not jeopardise the security of our country. There is no difficulty in taking the assistance or help from such foreign agencies and we shall make arrangement for it.

Shri Indrajit Gupta has spoken about IMF. So I would like to request him to go through the report and there he will find that our name figures in the last. But I do not think that the amount of Rs. 2,000 crores is a small amount. Our Finance Minister had formulated a scheme to recove,

a portion of that amount, but as I had said the other day also, the people could not take the advantage of the scheme. Even then we will make all possible efforts to recover the amount.

I do not think it proper to give reply to the questions raised by Shri Jaipal Reddy, because I do not know the language and style in which he speaks. Therefore, I beg his pardon.

Shri Bipin Pal Das has made the statement of our Prime Minister very clear and whatever he has said is absolutely correct. You asked us for one judge, but instead of one we have appointed two judges which means hundred per cent increase. He has rightly said that in judicial enquiry, all facts will come before us. Whatever information or documents we are having, shall be handed over to the commission and I also would like to request you that whatever informations or any other material you are having, you should also submit that to the commission. Nothing could be substantiated either on 31st March or today. We were threatened that it was a bombshell. I told my colleagues on that very day all these were merely a paper tiger. They do not have any bombshell. Today it has proved to be true.

I agree that Shri Indrajit Gupta tried to raise the standard of the debate, though he asked about violation and the machinery. I want to assure him that we have a very strong machinery, but we are thinking as to how we can take effective action against the economic offenders outside the country. Our Hon. Finance Minister has also considered this matter thoroughly and we shall continue it in future also. And whatever steps we will take in this direction, you will also be informed about them. You have also said about the destabilisation, economic policy and neo-imperialism. I am fully aware of the neo-imperialism and I am proud to tell you that India is the only country which has faced neo-imperialists at every front, at every stage and in every organisation. I remember that when we went to U. S. A. under the leadership of Shri Vishwanath Partap Singh to attend the conference, it was India alone which raised

the voice of all developing countries there. Recently I got an opportunity to go to New Zealand. At that time it was said that so and so was coming there from U. S. A. or from other countries. The services matter was also raised there, but we gave befitting reply to them and they had nothing to say in reply. Therefore, we are proud that India is the only country which has never yielded and will never yield before neo-imperialist forces.

You have also raised the matter of investment and loan. I do not want to go in detail on these matters, because Budget session is going on. We have already told you that neither we have been over-burdened by debts or trapped in the debts nor we have adopted such economic policy which may make us economically slave.

You have raised another question and asked whether some other agency was also working or was also engaged. When I am telling you that even this agency was not engaged, so the question of engaging some other agency does not arise at all. Therefore, I would say that these are merely your imaginations and I do not have any reply to your imaginary things. What reply can I give to the question which relates to a thing which does not exist at all?

You have said that efforts are being made to destabilise the country. It is a matter of regret that some forces within the country and outside the country are trying to destabilise the country. There is no need to go into its detail, but our Government is competent enough to fight the forces of destabilisation. In this regard I would like to tell you one thing that the people who had created a situation of destabilisation in 1975-76, could not remain stabilised during 1977 to 79. As a result of that their own party got destabilised. Shri Unnikrishnan is talking about the destabilisation. What can you say? You tried to destabilise the Congress. You deserted the party at the time of crisis, but what could you do? You could not do anything and after that your colleagues also deserted you. One who tries to gain something by destabilising the other, be himself gets destabilised.

[Shri Brahma Dutt]

Shri Bhatia has given a reply to Shri Somnath as one lawyer should have given to another lawyer. Shri Bhatia is himself a prominent advocate of the Supreme Court and Shri Somnathji is also a prominent advocate. Therefore, one advocate has given very good reply to another advocate. Shri Dinesh Goswami has said a very important thing.

**SHRI S. JAIPAL REDDY :** Where were you in 1977-78 ?

**SHRI BRAHMA DUTT :** In 1978, I was opposing your Janta Party as a leader of the opposition. At that time I wrote a book about the sequence of formation of Janta Party and as to how it was formed. I will send a copy to you so that you may go through it. I have already sent it to Shri Amal Datta. In it I have mentioned about genesis.

**SHRI C. JANGA REDDY :** Would you send complimentary copy or would you sell it.

**SHRI BRAHMA DUTT :** Yes, I will send a complimentary copy. It is not a saleable thing, because it has uprooted your Janta Party.

*(Interruptions)*

Shri Sharad Dighe has rightly said that the terms of reference of this enquiry has wider scope and now there is no scope of their further expansion. Now the truth will automatically come out. Now I would like to request you to kindly close this issue. Have some patience. It appears that you do not have any other issue to discuss, that is why you are raising such issues. We have appointed two judges of the Supreme Court and whatever information we have, we shall submit to them and if you have any information about it, you should also convey it to them. We have nothing to hide. We neither want to protect any individual nor we have anything regarding any individual or organisation to conceal. We do not want to reprimand any one. The best step which we could take in this regard, has been taken. We hoped that you would welcome it. Had

we announced the enquiry by a House Committee, you would have demanded judicial enquiry. This is the only mistake on our part.

With these words, I conclude and thank those Hon. Members who participated in this debate.

*(Interruptions)*

*[English]*

**SHRI SOMNATH CHATTERJEE :** Sir, the Minister of Parliamentary Affairs should have arranged something for them to eat.

After hearing the Minister's speech and the speeches of the Hon. Members on the other side, I am more convinced than before that the whole object of the exercise of sending this matter to a Commission of Inquiry is to suppress facts from the House and from public.

*(Interruptions)*

**MR. DEPUTY SPEAKER :** Order please.

**SHRI SOMNATH CHATTERJEE :** They cannot make me sit so easily. *(Interruptions)* If you do not want to listen, why don't you go out please ?

I do not have to take lessons from Mr. Brahma Dutt and other members, as to the position of the judiciary in the country... *(Interruptions)* I yield to none in my respect for the judiciary, whatever shortcomings there are. But I am not a person who will criticise the judiciary when it suits me as the Government does. I say this because the other day, on the floor of the House, the Prime Minister had rudely said that he would not accept the judgment of the Supreme Court. That was the statement made. And that is not a very honourable reference to the Supreme Court.

*(Interruptions)*

**SHRI JAGDISH TYTLER :** That was when the National Anthem was insulted... *(Interruptions)*

SHRI SOMNATH CHATTERJEE : You praise the Supreme Court when it suits you. You denigrate the Parliament when it suits your political interests and not the interests of the country. You shower praise on the Supreme Court as the present occasion seems to be...*(Interruptions)*

MR. DEPUTY SPEAKER : Order please.

SHRI SOMNATH CHATTERJEE : I want to raise one pertinent point...*(Interruptions)*. Sir, unless you bring the House to order, I cannot speak. They should have a little respect for parliamentary traditions.

*(Interruptions)*

SHRI JAGDISH TYTLER : Anybody who speaks against the National Anthem and National Flag has no right to speak about parliamentary traditions...*(Interruptions)*

MR. DEPUTY SPEAKER : Order please. I request you to take your seats. Mr. Harish Rawat, please sit down.

*(Interruptions)\**

MR. DEPUTY SPEAKER : Don't record anything.

THE PRIME MINISTER (SHRI RAJIV GANDHI) : Mr. Deputy Speaker Sir, I think I would just like to clarify a point here. It is not the question of speaking against the Supreme Court or a judge. The fact is that Parliament passes legislation. At times it is interpreted in a certain way by the courts which we feel is not the way we had intended that to be done. And if that happens, then it comes back to Parliament. We correct that and we send it back. And it is precisely this aspect that I talked about when I talked about the National Anthem. Now we take a particular stand on our National Anthem and we will not change that stand. If we find that the Court or anybody else is taking a wrong direction, we will bring it back... I am talking very seriously. I am not talking frivolously. We will bring it back here and we will correct it. To the best of my know-

ledge, the Hon. member's party supports us on that particular issue.

PROF. MADHU DANDAVATE : He is not referring to that issue. On that all are of one opinion. There are members who at the time of passing some other Bill, abused the judiciary...*(Interruptions)*

SHRI RAJIV GANDHI : I was quoted and I was only answering to the quotation that was made.

SHRI SOMNATH CHATTERJEE : I was not on that subject matter. Everybody knows my stand. How was the Supreme Court criticised on the floor of this House by the Congress members on Shah Bano judgment? Don't you know that? *(Interruptions)*. Don't try to project it as a holy cow now!

*(Interruptions)*

MR. DEPUTY SPEAKER : Order please. Take your seats.

AN HON. MEMBER : Mr. Deputy Speaker, the Hon. member is a full-fledged barrister. Ask him to come to the facts.

*(Interruptions)*

PROF. MADHU DANDAVATE : Having reflex is better than being brainless.

*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Sir, I have specifically put a very important question and I request the Hon. Minister to give an answer to that. The Prime Minister in his statement of 3rd April had said that all information available on the matter had been disclosed. What was the available information then? On the 3rd of April, when the Prime Minister made the statement at 5 o'clock, I said that I would like to know whether it was known to the Government as to how and when the appointment was made. Was it not known to the Government on the 3rd of April at 5 o'clock?

\*Not recorded.

**SHRI BRAHMA DUTT :** I want to inform the Hon. member that the Hon. Prime Minister was talking about the information given on 31st. And I have enumerated one, two, three, four, five, six, seven—all the points. All the vital information required has been given on the 31st.

**SHRI BASUDEV ACHARIA :** No information was given.

**SHRI SOMNATH CHATTERJEE :** Then the Government has no information on the basis of which any inquiry could be held? Do you want the Commission of Inquiry to act as an investigating agency? Do you want that?

**SHRI BRAHMA DUTT :** You bring the facts to them. You are supposed to have facts.

*(Interruptions)*

**MR. DEPUTY SPEAKER :** I request the other members to be silent. Mr. Chatterjee, you please carry on.

**SHRI SOMNATH CHATTERJEE :** I would like to know this from the Government. Firstly, the Hon. Minister has not stated about the method to be followed by this Commission of Inquiry to bring Fairfax under its jurisdiction. Will Fairfax be under the jurisdiction of this Commission of Inquiry? *(Interruptions)* See, this is the position. Without understanding anything, they respond. Therefore, if any inquiry has to be made abroad, who would do that? This is the position and you do not know it, and a big attempt has been made on behalf of the Ruling Party to show that judiciary is a better method for the purpose of ascertaining the truth, which the Parliamentary Committee cannot do because political questions would be brought into the deliberations of a Parliamentary Committee. Many of the Hon. members have reminded the Government that our Privileges Committee has been functioning in a non-partisan manner *(Interruptions)* Sir, it is the glory of our parliamentary traditions that in Committees we function on a non-partisan basis. It has happened in so many Committees such as the Public Accounts Committee, Public Undertakings Committee,

Estimates Committee and so on. And in the Privileges Committee and in so many other committees we have been functioning on non-partisan basis. Now you have no faith on the majority of the members that will be there in that Committee. You know, you will have a preponderance of majority in this Committee. Majority of the members in the Committee will be yours. Even then, why don't you have faith in it?

Shri Dinesh Goswami's question was very pertinent. The Minister has avoided it. Have you got a copy of the notification? Kindly see the first question. The first question is: "Was Fairfax Group engaged?" Does it require a judicial inquiry to get an answer? Does not the Government know it? Government does not have any record to prove whether a foreign concern was engaged or not! Then all the other connected matters arise as to what the terms of engagement are, etc. Can they not produce a single paper that it has been done either verbally or in writing or some document? Sir, a Parliamentary Committee could have found this out. Sir, a very vital fact which Mr. Dinesh Goswami had said has not been given. He pointed out after this announcement was made that you want to keep political matters out of the deliberations of the House. But, Sir, regarding question of security of India being prejudiced, is it a matter of law, is it a matter of finding of facts? Sir, who is involving political questions into judicial enquiry? By your very terms of reference you are bringing politics into judicial arena. Sir, this is the way this Government behaves. I know, Sir, I said in the beginning about their bankruptcy of thinking, their way of functioning. This has been made clear to the people of this country. You don't want people to know. That is why, in different forums by different subterfuges, you are trying to keep people in darkness about the real state of affairs in this country.

**SHRI RAJIV GANDHI :** Thank you for yielding. Sir, I would just like to express our views. We do not think the security of the country is a partisan thing. Security of the country is totally non-partisan. It cannot be divided between parties. And I take exception to the Hon. Member's statement that the security of the country is partisan and

depends on parties and that is why by bringing it there we are bringing a party issue into the Commission. We are not. Security is not a party issue.

**SHRI SOMNATH CHATTERJEE :** It was the observation of the Members of the Prime Minister's own party, who said that an enquiry by Parliamentary Committee would include political matters. I do not say that. I never said it would introduce partisan matters. I said, we always act on non-partisan basis. Therefore, there was no occasion to introduce partisan consideration in this matter.

**PROF. MADHU DANDAWATE :** Prime Minister's intervention was to support your views.

**SHRI SOMNATH CHATTERJEE :** Therefore, I said, Sir, (*Interruptions*) Sir, if any information has been given by foreign agency or not, this need not be a matter of judicial enquiry. This will be available with the Government. It is a question of only producing before the Committee or before the House. You cannot take House into confidence. You want to defuse the issue. It is a time consuming process. This is what is happening.

Sir, the plea of de-stabilisation which is being taken by some of the Hon. Members on the other side is a clear admission that there has been an attempted destabilisation by the appointment or engagement of Fairfax Group. Sir, if the Hon. Minister for Defence has been candid enough to admit that there has been engagement... (*Interruptions*)

Sir, in my speech on the 31st I said Mr. V. P. Singh deserves all the praise and congratulation from all sections of the House because he has made effort to unearth sources of black money. He tried to really punish those who have been indulging in all sorts of economic offences. They cannot even tolerate congratulation. They think he is on the wrong side. I had said that he might have made a mistake in engaging the U.S. concern. But I am not challenging his *bona fides* or his intentions. Now they are saying that because of the actions of Mr. Vishwanath Pratap Singh, there has been an attempted

destablization of this country. Therefore, who is to blame? Is it a matter for a judicial enquiry, i.e. into whether there was an attempted destabilization of this country, or not?

Therefore, I would not like to take the time of the House. I know this Government is incorrigible, and I know the fate of this Government; I know what is the judgement of the people of this country; whenever an occasion comes, they will express their views... (*Interruptions*)

The Prime Minister even wanted to rule a State from Delhi, and the people of that State have given him their reply.

(*Interruptions*)

**MR. DEPUTY SPEAKER :** No; not like this. Take your seats. Mamata Ji, please sit down. (*Interruptions*)

**SHRI SOMNATH CHATTERJEE :** With all their shouting, they have not been able to hide the skeletons in their cupboards. They have come out, and they will come out more and more, because they are steeped in all sorts of activities which are not in the interests of this country. Therefore, we support the Motion for the appointment of a parliamentary committee to go into the matter. There is no necessity for a judicial enquiry in this case.

**MR. DEPUTY SPEAKER :** I now put the Substitution Motion moved by Shri Srirama Murty to the vote of the House. The question is :

'That for the original motion, the following be substituted, namely :

"This House, having considered the statement made by the Prime Minister in the House on the 3rd April, 1987 regarding appointment of a sitting Judge of the Supreme Court to enquire into the issues connected with the question of utilising the Fairfax Group of the United States of America, is of the opinion that a Committee of the

House may be appointed to go into all aspects of the Fairfax episode."'

*The Lok Sabha divided:*

AYES

Acharia, Shri Basudeb  
Appalanarasimham, Shri P.  
Bhoopathy, Shri G.  
Biswas, Shri Ajoy  
Chinta Mohan, Dr.  
Dandavate, Prof. Madhu  
Datta, Shri Amal  
Deo, Shri V. Kishore Chandra S.  
Dora, Shri H. A.  
\*Dube, Shri Bishma Deo  
Goswami, Shri Dinesh  
Gupta, Shri Indrajit  
Jhansi Lakshmi, Shrimati N. P.  
Kalpana Devi, Dr. T.  
Kurup, Shri Suresh  
Malik, Shri Purna Chandra  
Masudal Hossain, Shri Syed  
Misra, Shri Satyagopal  
Murty, Shri Bhattam Srirama  
Palakondrayudu, Shri S.  
Patel, Dr. A. K.  
Pathak, Shri Ananda  
Penchalliah, Shri P.  
Raju, Shri Ananda Gajapathi  
Raju, Shri Vijaya Kumar  
Rao, Shri A.J.V.B. Maheswara  
Rao, Dr. G. Vijaya Rama  
Rao, Shri Srihari  
Rao, Shri V. Sobhanadreeswara  
Reddi, Shri C. Madhav  
Reddy, Shri B. N.  
Reddy, Shri Bezawada Papi  
Reddy, Shri E. Ayyapu  
Reddy, Shri K. Ramachandra  
Reddy, Shri M. Raghuma  
Reddy, Shri P. Manik

\*Wrongly voted for AYES.

Riyan, Shri Baju Ban  
Roy, Dr. Sudhir  
Saha, Shri Ajit Kumar  
Sanyal, Shri Manik  
Swamy, Shri Katuri Narayana  
Thomas, Shri Thampan  
Thota, Shri Gopal Krishna  
Tiraky, Shri Piyus  
\*Tomar, Shrimati Usha Rani  
Tulsiram, Shri V.  
Unnikrishnan, Shri K. P.  
Zainal Abedin, Shri

NOES

Abdul Ghafoor, Shri  
Adiyodi, Dr. K. G.  
Agarwal, Shri Jai Prakash  
Ahmed, Shrimati Abida  
Akhtar Hasan, Shri  
Alkha Ram, Shri  
Antony, Shri P. A.  
Arjun Singh, Shri  
Arunachalam, Shri M.  
Azad, Shri Bhagwat Jha  
Bairagi, Shri Balkavi  
Bajpai, Dr. Rajendra Kumari  
Bancrjee, Kumari Mamata  
Basheer, Shri T.  
Bhagat, Shri B. R.  
Bhagat, Shri H. K. L.  
Bharat Singh, Shri  
Bhoi, Dr. Krupasindhu  
Bhosale, Shri Partaprao B.  
Bhoye, Shri S. S.  
Brahma Dutt, Shri  
Chandrakar, Shri Chndulal  
Chaturvedi, Shri Naresh Chandra  
Dalbir Singh, Ch.  
Dalbir Singh, Shri

\*Wrongly voted for AYES.

Dalwai, Shri Hussain  
 Das, Shri Anadi Charan  
 Das, Shri Bipin Pal  
 Das, Shri Sudarsan  
 Dennis, Shri N.  
 Dhariwal, Shri Shanti  
 Dhillon, Dr. G. S.  
 Dighe, Shri Sharad  
 Digvijay Sinb, Shri  
 Dikshit, Shrimati Sheila  
 Dinesh Singh, Shri  
 Gadgil, Shri V. N.  
 Gaekwad, Shri Ranjit Singh  
 Gamit, Shri C. D.  
 Gandhi, Shri Rajiv  
 Gebhot, Shri Ashok  
 Gomango, Shri Giridhar  
 Guha, Dr. Phulrenu  
 Gupta, Shri Janak Raj  
 Gupta, Shrimati Prabhawati  
 Jaffar Sharief, Shri C. K.  
 Jatav, Shri Kammodilal  
 Jeevarathinam, Shri R.  
 Jena, Shri Chintamani  
 Kamla Kumari, Kumari  
 Kaul, Shrimati Sheila  
 Kaushal, Shri Jagan Nath  
 Ken, Shri Lala Ram  
 Keyur Bhusban, Shri  
 Khan, Shri Arif Mohammad  
 Khan, Shri Aslam Sher  
 Khan, Shri Mohd. Avub  
 Khattri, Shri Nirmal  
 Khirhar, Shri R. S.  
 Krishna Singh, Shri  
 Kshirsagar, Shrimati Kesharbai  
 Kuchan, Shri Gangadhar S.  
 Kumaramangalam, Shri P. R.  
 Kunjambu, Shri  
 Kuppaswamy, Shri C. K.  
 Kurien, Prof. P. J.  
 Lachchhi Ram, Shri  
 Law, Shri Asutosh

Madhuree Singh, Shrimati  
 Mahajan, Shri Y. S.  
 Makwana, Shri Narsinh  
 Mallick, Shri Lakshman  
 Malviya, Shri Bapulal  
 Manorama Singh, Shrimati  
 Manvendra Singh, Shri  
 Meira Kumar, Shrimati  
 Mishra, Shri Ram Nagina  
 Mishra, Shri Umakant  
 Mohanty, Shri Brajamohan  
 Mukhopadhyay, Shri Ananda Gopal  
 Mushran, Shri Ajay  
 Muttemwar, Shri Vilas  
 Naik, Shri Shantaram  
 Namgyal, Shri P.  
 Narayanan, Shri K. R.  
 Nawal Prabhakar, Shrimati Sunderwati  
 Negi, Shri Chandra Mohan Singh  
 Netam, Shri Arvind  
 Oraon, Shrimati Sumati  
 Pandey, Shri Manoj  
 Panigrahi, Shri Chintamani  
 Panja, Shri A. K.  
 Pant, Shri K. C.  
 Parashar, Prof. Narain Chand  
 Pardhi, Shri Keshaoran  
 Patel, Shri Ram Pujan  
 Patel, Shri U. H.  
 Pathak, Shri Chandra Kishore  
 Patil, Shri Balasaheb Vikhe  
 Patil, Shri Shivraj V.  
 Patil, Shri Veerendra  
 Patnaik, Shrimati Jayanti  
 Pawar, Shri Balasaheb  
 Pilot, Shri Rajesh  
 Poojary, Shri Janardhana  
 Potdukhe, Shri Shantaram  
 Prabhu, Shri R.  
 Pradhani, Shri K.  
 Purohit, Shri Banwari Lal  
 Purushothaman, Shri Vakkom  
 Pushpa Devi, Kumari

Raghuraj Singh, Chaudhary  
Rai, Shri I. Rama  
Rajhans, Dr. G. S.  
Ram, Shri Ramswaroop  
Ram Awadh Prasad, Shri  
Ram Prakash, Ch.  
Ram Singh, Shri  
Ramachandran, Shri Mullappally  
Rana Vir Singh, Shri  
Ranga, Prof. N. G.  
Ranganath, Shri K. H.  
Rao, Shri K. S.  
Rao, Shri P. V. Narasimha  
Rathod, Shri Uttam  
Ravani, Shri Navin  
Rawat, Shri Harish  
Rawat, Shri Kamla Prasad  
Sahu, Shri Shiv Prasad  
Sangma, Shri P. A.  
Shahi, Shri Laliteshwar  
Shailesh, Dr. B. L.  
Shankaranand, Shri B.  
Shanmugam, Shri P.  
Sharma, Shri Chiranji Lal  
Sharma, Shri Nawal Kishore  
Shastri, Shri Hari Krishna  
Shingda, Shri D. B.  
Shivendra Bahadur Singh, Shri  
Siddiq, Shri Hafiz Mohd.  
Singaravadivel, Shri S.  
Singh, Shri K. N.  
Singh, Shri Krishna Pratap  
Singh, Shri Santosh Kumur  
Sinha, Shrimati Ram Dulari  
Sparrow, Shri R. S.  
Subburaman, Shri A. G.  
Sukh Ram, Shri  
Sultanpuri, Shri K. D.  
Suman, Shri R. P.  
Sunder Singh, Ch.

Swell, Shri G. G.  
Tapeshwar Singh, Shri  
Tariq Anwar, Shri  
Tewary, Prof. K. K.  
Thakkar, Shrimati Usha  
Thorat, Shri Bhausahab  
Tyagi, Shri Dharamvir Singh  
Tytler, Shri Jagdish  
Vairala, Shri Madhusudan  
Vanakar, Shri Punam Chand Mithabhai  
Verma, Dr. C. S.  
Vijayaraghavan, Shri V. S.  
Vir Sen, Shri  
Vyas, Shri Girdhari Lal  
Yadav, Shri Kailash  
Yadav, Shri Syam Lai  
Yadav, Shri Subhash

MR. DEPUTY SPEAKER : Subject to correction,\* the result of the division is as follows :

Ayes ... 48

Noes ... 168

*The motion was negatived*

MR. DEPUTY SPEAKER : The House stands adjourned to meet on Wednesday, April 8, 1987, at 11 A. M.

20.44 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, April 8, 1987/Chaitra 18, 1909 (Saka)*

\*The following Members also recorded their votes :

AYES : Shri S. Jaipal Reddy.

NOES : Shrimati Krishna Sahi, Shri I Balaraman, Shri Jagannath Prasad, Shri G. I. Patel, Shrima. Usha Rani Tomar, Shri Bhisim Deo Dube and Shri Banwara Lai Bairwa.