

325 *Motion Re: Expression of dissatisfaction at the government's failure to answer charges relating to the 'Hawala Case' and to allegations about illegal pay-offs*

MR. SPEAKER : Yes.

SHRI CHANDRA SHEKHAR : Mr. Speaker, Sir, by implication the Government has expressed its stand that they cannot spare even the Speaker. For concealing their bungling, they can impute motives to the Speakers Rulings also.

SHRI KV. THANGKA BALU : I never said anything against the Speaker.

15.31 hrs

MOTION RE: EXPRESSION OF DISSATISFACTION AT THE GOVERNMENT'S FAILURE TO ANSWER CHARGES RELATING TO THE 'HAWALA CASE' AND TO ALLEGATIONS ABOUT ILLEGAL PAY-OFFS-TO SOME MEMBERS OF PARLIAMENT - CONTD.

SHRI JASWANT SINGH (Chittorgarh) : Sir, I am making this submission only because you called the hon. Member to continue with the discussion under Rule 184. My submission is very direct and I will put it across in three or four sentences.

A great deal of the discussion under Rule 184 involves the hon. Prime Minister, Sir, who has found it convenient only to come for a very short intervention here which lasted barely two or three minutes. Now that the debate is in its concluding stage and great many questions may arise which might not be in the competence of the otherwise very competent Minister of State, I can only request that the hon. Prime Minister should please be present. I say this because there will be questions which will be directly addressed to him, which only he can answer. It is a request only that I can make to the good sense of the Treasury Benches. I know that they are deficient in it but whatever is there, please summon the Leader of the House.

[Translation]

SHRI RAM VILAS PASWAN (Rosera) : Mr. Speaker, Sir, in this context, I would like to make a submission that the motion moved by us and Shri Indrajit and Shri Somnath Chatterjee is about the amendment to the original motion. So far, it has not been circulated. We have requested to include in it our demand for resignation of the Prime Minister. The Member, who has moved it has no objection to it and I think that the House should also not have any objection to it. This amendment should be included in it and the provision of voting if necessary, should also be included in it.

[English]

SHRI PAWAN KUMAR BANSAL (Chandigarh) : It cannot be accepted, Sir.

MR. SPEAKER : Explain as to why it cannot be accepted.

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SHRI INDRAJIT GUPTA (Midnapore) : The amendment should have been circulated. It has been given yesterday.

MR. SPEAKER : If I admit it, it will be circulated.

SHRI PAWAN KUMAR BANSAL : I am extremely grateful to you for giving me this opportunity. My submission is that a specific motion worded by Shri Atal Bihari Vajpayeeji was moved under Rule 184. If an amendment is sought to be moved to that, the first question that would arise is whether that could be included at the time when a motion like that was sought to be moved. Sir, before I come to the relevant Rule dealing with the amendments, I would like to see your indulgence to refer to Rule 186 only.

MR. SPEAKER : We should be legal but...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL : I will try not to be legal, Sir.

MR. SPEAKER : You should be legal but you should be lucidly legal

SHRI PAWAN KUMAR BANSAL : Sir, Rule 186 says:

"In order that a motion may be admissible it shall satisfy the following conditions, namely :-

(iv) it shall be restricted to a matter of recent occurrence;

...*(Interruptions)*.. Please let me complete. I know of your capabilities but let me complete what I have to say. Sir, Rule 186 further says;

"(v) it shall not arise a question of privilege;

(vi) it shall not revive discussion of a matter which has been discussed in the same session;"

MR. SPEAKER : That is on motion. This is an amendment to the motion.

SHRI PAWAN KUMAR BANSAL : Sir, before I come to Rule 344, I would only seek your indulgence to refer to this again. It says, "it shall not revive the discussion of a matter which has been discussed in the same session." Yesterday, Sir, the whole day we discussed this matter as far as it pertained to the allegation against the Prime Minister. You would see, Sir, there are two parts of the motion under 184 that is before you. One deals with the perceived failure of the Opposition...*(Interruptions)*...

* The perception of the Opposition is about the failure of the Government to answer charges relating to the Hawala matter. The second point is to answer charges relating to illegal pay off to the Members of the Parliament and this was precisely the subject that was before us yesterday. By including that again today, we are doing nothing but reviving the discussion...*(Interruptions)* and the Rule I have quoted, if you had bothered to just listen to what I was saying. Thereafter, kindly refer to Rule 344:

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"344. (3) An amendment on a question shall not be inconsistent with a previous decision on the same question."

Yesterday, I reiterate, we discussed and rejected the matter. Now, this amendment is inconsistent with the decision of the House taken yesterday and thereafter I very briefly refer to Kaul and Shakdhar, Page No. 604...(Interruptions)

[Translation]

SHRI INDRAJIT GUPTA (Midnapore) : These bulky books have spoiled your head...(Interruptions)

SHRI PAWAN KUMAR BANSAL : Just now you were saying that it is not aching but I feel that you are trying to put tincture on it.

[English]

The amendment that is being sought to be introduced today is more in the nature of a Censure Motion, is more in the nature of No confidence Motion and this amendment - if at all they wanted to express their opinion - in the sentence that we are doing now, the course open to them is to move a Censure Motion...(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur) : What amendment, you do not know? What is the amendment? (Interruptions)

[Translation]

SHRI RAM VILAS PASWAN : Please tell what is that amendment?

SHRI PAWAN KUMAR BANSAL : Yesterday you had said...(Interruptions)

[English]

You made it known yesterday...(Interruptions)

[Translation]

SHRI RAM VILAS PASWAN : What is that amendment? Please tell us...(Interruptions)

SHRI PAWAN KUMAR BANSAL : You are doing a wrong thing. You were talking about the resignation of the Prime Minister. The demand for resignation of the Prime Minister cannot be raised under Rule 184. It can be raised through a Censure Motion or a No Confidence Motion can be moved or some other remedy may be available there.

Those are the remedies available if you want to seek the resignation of the Prime Minister. This Rule 184 is not available for this purpose. When I was referring to Page No. 604 which deals with a situation...

Censure motion can be moved against the Council of Ministers or an individual Minister

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or a group of Ministers for their failure to act or not to act or for their policy, and may express regret, indignation or surprise of the House at the failure of the Minister or Ministers.

Sir, In view of the constitutional provisions regarding the collective responsibility of the Council of Ministers to the Lok Sabha, a motion of No Confidence can be moved only against the Council of Ministers as a whole and not...(Interruptions) I have to take only two minutes to make my point.

MR. SPEAKER : Yes, please...(Interruptions)

SHRI PAWAN KUMAR BANSAL (Chandigarh) : This is on Page No. 604 which deals with this matter of Censure Motion and if this in what we were to read you may kindly read this - it only points out that...(Interruptions)

MR. SPEAKER : Which line you are referring to?

SHRI PAWAN KUMAR BANSAL (Chandigarh) : This under Censure Motion. This entire paragraph which points out the situation where a Censure Motion can be moved and the amendment which is now being sought to be introduced, as I said earlier, is contradictory to the decision taken yesterday and in its purpose and essence it only wants to express no confidence against the Prime Minister, against the Council of Ministers. It wants to censure the Government for the two reasons which I mentioned earlier, that is, their perceived failure on the part of the Government to answer the charges and against their perception as it is regarding the failure of the Government to answer charges regarding the illegal pay off.

Those are the matters on which the Motion has been admitted under Rule 184.

Now, Sir, a third angle is being sought to be added to it. Another demand is being sought to be raised therein, that is, regarding the resignation of the Prime Minister, for that, an independent remedy available to the House. If at all the Member wishes to raise that matter, was the Privilege Motion which was brought forward yesterday. Rule 184 precludes a question which relates to privilege. Precisely that point had been discussed yesterday in that form and it cannot be raised under Rule 184. The only remedy available. I would reiterate, Sir, is the Censure Motion or a Non-Confidence Motion which admittedly had not been done. By introducing that new amendment, we are changing the complexion of the Motion.

SHRI SOMNATH CHATTERJEE (Bolpur) : What is that amendment?

SHRI PAWAN KUMAR BANSAL (Chandigarh) : You said it, Your friends have said it. Shri Indrajit Gupta said it yesterday. Shri Ram Vilas Paswan said it today. If you had just cared to listen to what Shri Paswan has said, then, you would have understood it. He said it in so many words. Let him stand and say that he did not say so, then I will sit down...(Interruptions)

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SHRI RAM VILAS PASWAN (Rosera) : I have asked for the Prime Minister's resignation. Why do you not tell that?

SHRI PAWAN KUMAR BANSAL (Chandigarh) : That is what I had said.

[Translation]

It has been said but you have not heard that and you are asking as to what has happened. You are speaking again. I would like to say that you cannot seek resignation of the Prime Minister under Rule 184.

[English]

SHRI MANI SHANKAR AIYAR (Mayiladuturai) : Sir, I am on a point of order. The point of order that I wish to raise is under Rule 344. Rule 344 has got three sub-sections to it. I wish to make my point of order on each one of these three provisions of Rule 344. Rule 344 (1) says:

"That an amendment shall be relevant to, and within the scope of, the motion to which it is proposed."

The amendment that has been indicated to us orally - none of us has received it in writing yesterday - by Shri Indrajit Gupta and today by Shri Ram Vilas Paswan is a main Clause which is attached in the existing sentence. It is in those terms alone that it may be considered relevant to and within the scope of the Motion. However, Sir, when one looks at the background of the manner in which you admitted this Motion under Rule 184, you would recall, Sir, the discussion in this House, especially on the 27th February and to some extent on the 28th February, where a whole series of Motions had been placed before you, some of them under Rule 184, some of them under Rule 193 and some in terms of an Adjournment Motion, it was pleaded on behalf of the same Party which is now moving the Motion under Rule 184 that they wanted to take this up as an Adjournment Motion in order to Censure this Government. After you have had deliberations in your Chamber with the Mover of this Motion, Shri Atal Behari Vajpayee, you had come to the conclusion that this should be moved not as an Adjournment Motion, not as a Motion to Censure the Government in that sense, not as a Motion to express No-Confidence in the Government but as a Motion under Rule 184. The words you had chosen were very carefully chosen and it is in terms of those words that you permitted this discussion to take place. Now, the amendment that is sought to be moved - although we have still not received the text - orally by Shri Indrajit Gupta and Shri Ram Vilas Paswan by effecting a change in the nature of the Motion that you had allowed under Rule 184 in the sense that whereas all that you wished to express earlier was the dissatisfaction of this House with regard to certain allegations levelled against the Treasury Benches, now you are seeking to put, as Shri Indrajit Gupta rather picturesquely put it, teeth into the

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Motion by saying that the Prime Minister should resign. Now, this substantially alters the nature of the Motion before the House. Since it substantially alters it, for the reason that the proposed Movers of this Motion have themselves not to put teeth into it. I am afraid, Sir, it is not open to them to put teeth into it, through an amendment because that would materially alter the scope of and the limit of the Motion under Rule 344 (1) and therefore has to be disallowed.

My second point is that Rule 344 (2), second paragraph says:

"An amendment shall not be moved which has merely the effect of a negative vote."

Now, Sir, as the amendment that has been moved adduces no reasons other than those already given to seek the resignation of the Prime Minister, the amendment -- which is what we are talking about and because this is called amendment -- in itself seeks only a negative vote. I submit that it is invalid to admit it under Rule 344 Section 2.

Now I come to the last provision which is Rule 344 sub-Section (3),

Sub-Section (3) reads :

"An amendment on a question shall not be inconsistent with a previous decision on the same question."

Now that is the amendment to the question which Shri Indrajit Gupta and Shri Ram Vilas Paswan are seeking to move? It is to say that the Prime Minister should resign because he has not satisfactorily answered questions relating to the payoffs. Now if you would recall, yesterday the Breach of Privilege Motion brought before this House by Shri Arjun Singh specifically stated that owing to improper means resorted to by the Prime Minister his case should be referred, along with four other Members of Parliament to a Committee on Privileges.

Now the decision taken by this House on that motion specifically stated that there was no enough ground to refer this matter even to the Committee on Privileges for merely an investigation. It is substantially the same issue that is now sought to be brought forward through this amendment. If this House has already taken the decision that there are not grounds enough to even investigate this matter further by a Committee of this House then how can the same House, consistent with that decision, now demand the resignation of the Prime Minister?

SHRI INDRAJIT GUPTA (Midnapore) : You are now harping only on the second part of the motion which refers to the 'failure to answer the charges relating to the illegal payoffs'. What about the first part 'failure to reply to charges connected with the Hawala transactions'?

SHRI MANI SHANKAR AIYAR : Sir, I am afraid, Mr. Gupta is attempting to move a second amendment.

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SHRI INDRAJIT GUPTA : What amendment?

SHRI MANI SHANKAR AIYAR . Sir, at the moment, the motion before the House has two components as Shri Jaswant Singh insistently and boringly keeps reminding us. There are two components and you cannot get rid of one of the two components.

In so far as your demand for the resignation of the Prime Minister, is connected to the second component of the motion moved by Shri Atal Bihari Vajpayee, there is a decision of this House already on this issue and you cannot get away with this unless you move a second amendment which says, 'delete the portion which related to the illegal payoffs'. Since Shri Atal Bihari Vajpayee's motion refers to the dissatisfaction of this House on both the counts, the amendment moved by Shri Indrajit Gupta must apply to both the counts.

While I agree with him that there is no decision as yet of this House, although I assure him that there soon will be, with regard to the first of the two components, since the second component is an integral part of the motion moved by Shri Atal Bihari Vajpayee and since he cannot move an amendment which is inconsistent with any part of the motion already before the House or with any decision already taken by the House, I am afraid under Section 1 of Rule 344, under Section 2 of Rule 344 and under Section 3 of Rule 344 the amendments that are sought to be moved, even without circulation, by these two gentlemen just cannot be admitted by you in terms of the Rules of this House. Thank you, Sir.

MR. SPEAKER . Shri Indrajit Gupta, do you have anything to add?

SHRI INDRAJIT GUPTA : First of all, I am very glad that Shri Mani Shankar Aiyar has not taken refuge behind the argument that this amendment has come too late because on grounds of its being late he could have also made a long speech that it should have come much earlier, and all that. He has spared us from that. Now what I want to say is that this motion which is moved here under Rule 184, as Shri Mani Shankar Aiyar admits, has clearly got two parts to it.

Both relate to the failure of the Government, firstly in the matter of answering charges relating to the Hawala affair and secondly the failure to answer charges relating to illegal pay-offs to some Members of this House.

The Amendment simply seeks to add at the end: "and hence demands that the Prime Minister should resign immediately because he has failed to answer these charges." So, there is nothing wrong in admitting this Amendment. You may defeat it. That is a different matter. But then there is nothing wrong in admitting this Amendment. Having it discussed and considered here...*(Interruptions)* After all he is the Head of the Government...*(Interruptions)*

SHRI SUDHIR SAWANT (Rajapur) : Mr. Speaker, Sir,

I am on a point of order...*(Interruptions)*

MR. SPEAKER : Under which rule.

SHRI SUDHIR SAWANT (Rajapur) : Sir, under rule 344...*(Interruptions)*

MR. SPEAKER : Kindly read the rule first.

SHRI SUDHIR SAWANT (Rajapur) : I want to bring out a point of order, which comes under rule 344...*(Interruptions)*

MR. SPEAKER : I do not want 'bringing out'. You read the rule and say.

SHRI SUDHIR SAWANT (Rajapur) : Rule 344 says:

"An amendment shall be relevant to and its scope..."

MR. SPEAKER : That is not a point of order. I have to decide it. We are not following any wrong procedure here. Please take your seat.

SHRI SUDHIR SAWANT (Rajapur) : Mr. Speaker, Sir, please allow me to complete my statement. *(Interruptions)*

MR. SPEAKER . I do not want to. I do not want to be treated like this. If there is a point of order, I will allow.

SHRI INDRAJIT GUPTA (Midnapur) : All I was saying is that one should not take a too technical view of this thing. This is an issue which has rocked the whole country. Even now it is agitating the whole public opinion in this country. This is a major scandal. Such a thing has never happened before. Therefore, on the basis of that, we are demanding the resignation of the Prime Minister. That is the purport of the Amendment, And I submit that there is no ground for barring its admission.

MR. SPEAKER : Now I allow Shri Somnathji to speak and after that I will give my decision.

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir, I am also one of the signatories to this Amendment...*(Interruptions)*

SHRI ARJUN SINGH (Satna) . Mr. Speaker, I would also like to speak on this ...*(Interruptions)*

SHRI SOMNATH CHATTERJEE (Bolpur) . Sir, I can understand the agony of my friends...*(Interruptions)*

MR. SPEAKER : I will allow you also.

SHRI E. AHAMED (Manjeri) : Sir, there is no Motion before the House. Unless we know what is in that Motion, how can we speak?...*(Interruptions)*

MR. SPEAKER : I will allow everybody.

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir, because of the agony and the fear of my learned friends on that side, the interpretation of the rule cannot be played. It has to be done on merits...*(Interruptions)*

MR. SPEAKER : Somnathji I agree with you that it has to be done on merits.

SHRI SOMNATH CHATTERJEE (Bolpur) : Therefore, it has to be done on the basis of merits of the Motion, merits of the Amendment, Shri Mani Shankar Aiyar gave us a long peroration without knowing the Amendment. This is what we have been subjected to...*(Interruptions)* You said, you do not know...*(Interruptions)*

Mr. Speaker, Sir, two grounds have been taken. One is that it is not relevant and it has supposedly been decided by the House already. Taking the second thing first, we did not discuss it. Sir, you did not, in your wisdom, give your consent to the Privilege Motion. Therefore, the House never discussed the merits of the matter. We have discussed only about its admissibility. And, Sir, you gave us your verdict and we have accepted it. We have to accept it and we have done it with all respect to you. Sir, Therefore, there is no question of this House having decided it.

The question is whether it is relevant or whether there is a negative vote. I cannot think of a more relevant Amendment to this thing. Kindly appreciate it.

MR. SPEAKER : Will you explain one thing? For the entire Session this matter has been before us. We had discussed this matter in the Committee and in agreement with the Committee members this was drafted and it came here. For the entire Session we did not bring it. On the penultimate day we bring it and we introduced an element which is already not there so that a *de novo* discussion would be required.

SHRI SOMNATH CHATTERJEE (Bolpur) : No, Sir. In all humility I would submit that we have already spoken on this. We are not asking for any opportunity to speak again on the Amendment...*(Interruptions)*

MR. SPEAKER : There are some other Members who would like to speak on it.

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir, whoever has not spoken will speak on this.

Sir, the Motion is very clear. It says:

"The House do express its dissatisfaction at the Government's failure to answer charges..."

And the other one is there. Already this discussion is going on. If I may say so, we also have heard and seen the performance of the hon. Prime Minister and that has convinced us that this is a fit case where there should be something as a follow-up of the Motion. It is not irrelevant.

It is a logical outcome, conclusion of this Motion. If I may say that within quote, it is a "memorable performance of the Prime Minister on this issue". This is the logical conclusion which we wish to bring it before the House. The House can in its wisdom accept or reject it.

Secondly, there is no question of negative vote. On

the other hand, negative vote here means, if a substantive Motion is sought to be negated by the proposed Amendment, it cannot be negated to another decision, negated to the substantive part of the Motion. Otherwise it is a mockery of the rules of construction. It is not only negative but also it gives a proper positive form to it. This will show whether this House in its wisdom approves of it or not. It is not a question of No-Confidence as such perceived that the No-Confidence Rules apply. There is no question of going back on what was decided after the discussion has taken place. The disclosures that have further come, the continuing attempt to shield the disclosures of facts and the Prime Minister's total antipathy to answer charges here and leaving it to the hon. Minister of State, all these things are there. *(Interruptions)* Therefore, I respectfully submit that it meets with all the ingredients of 344 and since no delay as such has taken place, kindly allow it.

MR. SPEAKER : No, in the entire Session, one issue before us! And you come on the penultimate day!

SHRI SOMNATH CHATTERJEE (Bolpur) : That will conclude the issue. *(Interruptions)*

SHRI INDRAJIT GUPTA (Midnapore) : Will the Prime Minister reply?

SHRI ARJUN SINGH (Satna) : I will not repeat what the hon. Member has just said because he has very clearly brought to your kind notice.

MR. SPEAKER : His legal interpretation is correct.

SHRI ARJUN SINGH (Satna) : I am not saying what is correct and what is incorrect? He has very clearly brought to your notice that there was no decision which becomes an estoppel to taking this Amendment. That is one thing.

The second thing which the hon. Member has said is that after all this debate did not concern an imaginary matter. It was a well focussed Resolution focussed on certain acts of omission and commission by the Government and naturally by the Head of the Government, the Prime Minister. We tried our level best to keep it in that focus but all that could happen only if fortunately the Prime Minister of this country had taken it in that spirit of accountability, of what the House wants to know, of what are the facts and what are not the facts. Then he chose to ignore everything. Not only everything said here but also the fact of his absence from this House. When this matter is being discussed, he has already declared that he is not going to answer anything and has assigned the task to Madam. Margaret that she will answer. I have nothing to say against her. When she answers, we will see. But how can she answer many things which are within the knowledge of the Prime Minister only?

SHRI UMRAO SINGH (Jalandhar) : Sir, I am on a point of order.

SHRI ARJUN SINGH (Satna) : The hon. Member, Shri

Indrajit has moved this Amendment. This is the least he could do so that the spirit of accountability pervades this House and the obduracy of the Prime Minister is brought to an end by the House voting to ask him to step down. We are not end I repeat, we are not in a awe of that empty chair. If some people are, let them be.

THE MINISTER OF CIVIL AVIATION AND TOURISM AND THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : Sir, I am not going into the technicalities and not referring even any rule also. Hon. Speaker, Sir, as far as the Resolution under discussion is concerned, it deals with two things; (a) the alleged failure of the Government in answering the charges relating to hawala case and also (b) part of the same Resolution is, with regard to allegation of illegal pay offs to some hon. Members.

16.00 hrs.

As far as Part (b) of the Resolution is concerned, after hearing the full discussion in this very House yesterday the Hon. Speaker had disposed of the matter yesterday itself. As far as Part (a) of the Resolution is concerned, rather the privilege part is concerned, now coming to it, it has widely been discussed in this House during almost the entire Session, even on the last day also. May I bring to your notice, Hon. Speaker, and also to the notice of hon. Members that as far as the Hawala case allegations are concerned, they cover a period of more than eight years? During these eight years the country, right from 1987 till 1991 and now when we are discussing, has seen four Governments coming into power one after the other during these eight years. May I know from the hon. Members who have tabled the amendment which Prime Minister they want to go, which Prime Minister do they want to remove or resign?...*(Interruptions)*

SHRI SRIKANTA JENA (Cuttack) : One Prime Minister had resigned.*(Interruptions)* We should have heard the Prime Minister, of course, it is the last day. *(Interruptions)* There is only one Prime Minister. Thank you, thank you, Shri Azad.

SHRI GHULAM NABI AZAD : I am not saying which Government.

SHRI SOMANTH CHATTERJEE (Bolpur) : is it *de facto* or *de jure*?

SHRI RAM NAIK (Bombay North) : It is the present Prime Minister.

MR. SPEAKER : Let us understand the scheme of the rules. The scheme of the rules is that there are devices which you can use for eliciting information from the Government, that is, the Question Hour and the Call Attention Motions. There are devices under which you can discuss important matters and you can come and guide the Government. Now these are the devices which are given in Rule 193 and 184. Under 193 you do not have to vote, you can express and you can keep quiet.

Under 184, you discuss, you vote because you want to know what is the view of the House. There may be differences of opinion and you want to know exactly the opinion of the House, you want to know, that is why under 184 you put the matter for the vote and you discuss. And there is a third set of devices which are to censure the Government, to criticise the Government and pull down the Government. Those devices are the Adjournment Motion and the No-confidence Motion.

Here you have brought a Motion for discussing a matter of urgent public importance. Here Rule 184 says :

"Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker."

Now here you are interested in discussing a matter of general public interest under 184. If really you wanted that the Prime Minister should resign, you would have come under some other provision. Having discussed this matter not for one day, not for one week, but the whole Session, the entire Session, on the last day if you are bringing an amendment to a matter of this nature in which you want to express your views and guide the Government, to say that the Prime Minister should resign, I do not think it keeps the nature of the Motion in fact. It alters the nature of the Motion and so I am not admitting it.

SHRI ARJUN SINGH : Sir, have you not taken note of the conduct of the Prime Minister?

MR. SPEAKER : Not necessary, I think I have said that there are other devices.

SHRI ARJUN SINGH : YOU should take note of the conduct of the Prime Minister which has led to this.

MR. SPEAKER : Now there are other devices which you would have used.

SHRI GEORGE FERNANDES (Muzaffarpur) : What happens to the vote taken against the Finance Bill?

MR. SPEAKER : That also, Finance Bill and other things, which take out the power of the Government to extract money from the Treasury and use it; it makes the Government powerless and defunct.

SHRI GEORGE FERNANDES : Therefore, under the Finance Bill it is not provided that there will be a vote of No Confidence. Unfortunately, suppose if I vote against it then it is a vote of No Confidence.

MR. SPEAKER : That is not really a Censure Motion. It does make the Government defunct.

[Translation]

SHRI DEVENDRA PRASAD YADAV (Jhanjharpur) : Mr. Speaker, Sir, the motion moved by the hon. Leader of

Opposition, Shri Atal Bihari Vajpayee is before the House. It reads :

"That this House do express its dissatisfaction at the Government's failure to answer charges relating to the 'Hawala case' and to allegations about illegal pay offs to some Members of Parliament."

Sir, it is really surprising that hon. Prime Minister had given a three minutes' clarification in this House on 8th March after a two days' deadlock of the proceedings of the House. The entire House was curious to know as to what clarification was going to be made by hon. Prime Minister. However the House including the Members of Opposition were totally dissatisfied with the clarification given by him because it was misleading and ambiguous. On the other hand, whatever he said was contrary to the facts. I, therefore, charge him. Perhaps the ruling party just on the basis of its strength wants to run the Government. It does not want to run it with the support of this House. I charge the hon. Prime Minister who has said that there was nothing new in the directions of the Court. Even earlier, the Supreme Court had issued directions in murder cases or in other cases. It is correct but today a peculiar situation has arisen and this Government has been proclaiming that it has not interfered and it is not going to interfere in any Court case. It has also been said that [English] law will take its own course.

[Translation]

It is not some thing new on their part.

It is true that the law takes its own course. The ruling party members strongly felt that they are being led by a great leader. Sir, a saying goes that 'wealth and land, must be divided equally subject to the condition that my entire land and wealth should remain with me. Be it the case of Chandraswami scandal or of those accused in the St. Kitts scandal or of those ex-ministers who have been charge-sheeted, discrimination is being made while taking action. Action has not been initiated against one person. This type of selective approach will not do. Hitherto, the Court never interfered in the jurisdiction or working of CBI and CBI was never controlled by any Court. With the Police and the CBI coming under the Court's supervision, the Government cannot interfere in their working. The Government has no right to interfere in the working of the executive. Be it the Prime Minister or any other authority they have no right to interfere in its working as per the well established tradition. The Government says it has not interfered but it is already functioning under the executive. The Supreme Court's directive came on the 1st March. What was the reason for giving such a directive? What was the reason for the Prime Minister to admit clearly that the Government has neither interfered in its working so far, nor it has any such intention to interfere in future. What made the CBI to take its administrative control in its own hands thereby depriving the Prime Minister of his right? No reply was given to this, nor do you have any

reply to it. In the clarification given by the Prime Minister, this has not been replied to. Now the CBI is under the Supreme Court's control and not under the Prime Minister's control. The Prime Minister should explain this position. The Prime Minister kept the House in the dark...*(Interruptions)* Even now the Prime Minister can come and clarify to the House.

But the Prime Minister is not taking this matter seriously. Thus this is the most careless Government and therefore what can one expect from such a Government? The administrative control over CBI is now no longer in the Prime Minister's hand, but vests with the Supreme Court. Today the CBI Director's tenure is going to be over. Will the Government ask the Solicitor General to seek direction from the Supreme Court as to who has the controlling authority in this regard. Will the Prime Minister announce a new appointment or extend his tenure? As, the CBI is under the control of the Supreme Court, therefore they should decide this issue. Because the tenure of the present Director of the CBI is coming to a close, numerous such questions arise.

16.11 hrs

(SHRI P.C. CHACKO *in the chair*)

Sir, the clarification given on that day is a matter of concern for the House. It is a matter of concern for all of us, as to why this happened in a Parliamentary democracy like ours. The Prime Minister did not carry out his responsibility and failed to perform his duty. This is my clear cut allegation. Therefore, full accountability lies with the Prime Minister. Today, the administrative control of the CBI has been taken away from the Government by the Supreme Court. I hold that the Prime Minister himself is responsible for this. In March, 1991, the CBI came across the Jain diary. What did the Government do between 1991 to 1993? Till 1993, the Government did not allow the CBI to carry out investigations. They were not allowed to discharge their responsibility. The situation remained the same even after a public interest petition was filed in 1993. Then the CBI Director was personally summoned by the Supreme Court and was warned and given directives...*(Interruptions)* This matter was raised first of all, by Shri S.P. Yadav, in this House, in July, 1994. After that leg pulling of CBI was continued where upon the Court expressed its strong resentment over such interference. The Supreme Court then expressed its severe displeasure, as it did when public interest petition was filed. The Supreme Court had pulled up the CBI in 1993, 1994 and 1995, after which the CBI began its work. When the CBI started its investigations several Ministers including Cabinet Ministers were found involved in corruption. When the action was started on the basis of entries in Mr. Jain's diary, the head of the ruling party, the in-charge of the CBI decided to kill two birds with one stone, by targetting his rivals and opponents, both in the ruling party and in the Opposition. This fact came to light when the leader of the Opposition disclosed that the Prime Minister was allegedly paid Rs. 3.5 crore. No action ensued on this statement

made by Shri Jain. Whereas action has been taken against others whose names figure in the Jain diary. What kind of justice is this? I am saying this because, at that time the CBI was under the Prime Minister. Who is accountable for this? I am raising this question because the hawala scandal has resulted in crisis of loss of trust between the people and their representatives

And the Government is unable to restore the peoples confidence in their representatives. O.K. Shrimati Alva will reply. But, after the 1st March, you have even forfeited the right to give a reply.

Hence my question is as to what made the Supreme Court give such a verdict. In this connection I want to quote from an interview in which Mr. Justice J.S. Verma was asked :

[English]

Hawala case was not the first instance where the high and the mighty persons were being shielded. How is it that the court had suddenly become assertive? What was the change now? The court has grown stronger in keeping with the need of the time and the need of the time is to enforce accountability on executive, he replied.

[Translation]

This clear-cut judgement was delivered by the Court to enforce accountability. I had quoted the Judge from "India Today". Therefore, I want to say that the Government has lost its accountability. The Government is no longer accountable to the House. The Prime Minister and the Government should be accountable to the House. But this is not so. The House as well as the democratic system has lost its importance. The Government no longer feels it that it is responsible towards the House. The House has responsibility for the pain and suffering of the 900 million people of the country. The Government, the Cabinet and the Prime Minister are responsible to the House. But today their sense of responsibility is under a cloud. I had raised this question as the Government wants to have its way through its majority. Some ruling party members were speaking and blaming the system. After all, who runs this system? Whether the system is run by the lunarians or by machines? The responsibility of running the system lies with the ruling party. It is they who are responsible for the system. Out of 50 years, of independence the ruling Party has been in power for 47 years.

[English]

MR. CHAIRMAN : Mr. Fernandes, please do not put invonvenient questions to him.

[Translation]

SHRI DEVENDRA PRASAD YADAV : Mr. Chairman, Sir, they blame the system for the hawala scandal. But, who runs the system? Those in power run the system.

I want to know who violated the system? Who exploited the system on all fronts, in collusion with the bureaucrats. Therefore, the system has collapsed under the Congress rule. Regarding the anti-defection law, I want to say that this law was made by this House and is violated in this very House. It would have been understandable if that law had been violated for public good. But this was violated by the ruling party to bolster its strength. In this regard an honourable member's name has been exposed. Regarding all the members of the Jharkhand Mukti Morcha, who supported the Congress, in the no-trust move, I would like to say, if the defection had been on ideological grounds it would have been understandable. But it becomes a criminal act when done with an eye to make financial gains and in the greed of getting a high post. This Government has committed a grave crime. The Government had got the anti-defection law passed in this House. They talk of ethics. They do not know of ethics and dignity of Parliamentary democracy. And this is not in their agenda. The feeling of making sacrifices found in the Congress people during the pre-independence era is no more in those who are in power now. Now those in power lead a luxurious life. Such people try to justify the violation of anti-defection law by giving ingenuous-explanations. They caused defection, by alluring others with money and power. This is a grave offence. Everyone should feel concerned to combat this tendency. This is a corrupt Government...(Interruptions)

Mr. Chairman, Sir, I am speaking on this issue, as this is a Rs. 62 crore scandal. In the past five years, this Government was involved in scandals of several crores of rupees. If you earnestly think of removing corruption, then it should be checked and ways should be found to eradicate it.

Today, corruption is prevalent in every field. Although the movable property of the people working in executive or whether they are representatives of the people, the Members of the Legislative Assemblies, Ministers, Members of Parliament or they belong to judiciary or media, can not be calculated but the survey of their immovable property should be conducted in every capital. After conducting survey, a commission should be set up and every body should be acquainted with the outcome thereof. It wil then help in controlling corruption. There is no other way to eradicate the corruption. Merely pointing out a censuring finger at one another will not help in eradicating corruption. The Congress Government has cultured and refined this corruption for 5 years. We should have a discussion first to root out the corruption completely.

There are four pillars of democracy i.e. Executive, Judiciary, Legislature and the Media. These four pillars should be properly evaluated and only then a proper discussion can take place and besides Hawala scam, all other scams such as sugar scam, Bank scam etc, which have come up during last 5 years in your tenure would also be solved. I demand that a survey of the houses in all the capital towns of the country should be conducted after 50 years of independence and a commission should

be set up. Only then we could be able to say that the Government is serious about it. Mr. Chairman, Sir, I wanted to say many things on the Hawala issue but you are ringing the bell again and again which breaks the continuity of my speech, therefore, I shall conclude after saying one or two things

Mr. Chairman, Sir, Shri Mani Shankar ji was saying on the other day that the Members of Janta Dal are like Amoeba and Hydra who play the politics of defection. He perhaps does not know that the same party even before and after the independence was known as Congress Party and the section of the people having the same ideology formed SSP, PSP, Lok Dal and Janata Party and Janata Dal which was once led by Acharya Narendra Dev, Dr. Ram Manohar Lohia, Late Karpoori Thakur and Ch. Charan Singh Ji. They used to challenge to show an inch of land in their name anywhere. They had no house anywhere in their name. Now here in that diary, the name of Shri Sharad Yadav has been mentioned. This we will come to know only after the court enquiry that he led the life of a pauper who does not own even an inch of land. Although I do not want to touch this matter since it is subjudice and only court will decide it. Therefore, N.F. and L.F. have given a notice of Amendment in this regard. The Government has fallen flat on the issue of Hawala and has not performed its duties well. It has turned deaf ear towards this issue. It is the outcome of the four years' tenure of the Government. This Government has been instrumental in lowering down the dignity and pride of the country and the Parliament as well, therefore, the Government has lost its credibility. I do not think it proper to say anything else against this Government.

Mr. Chairman, Sir, in the end, after saying a few words to the people in power. I shall conclude my speech :

"Sheeshe ke shasan mein, patthar ki gawahi hai,
Katil hi muhafiz hai, katil hi sipahi hai."

SHRI GEORGE FERNANDES : Mr. Chairman, Sir, I know that there is paucity of time and therefore, keeping in view the time limit. I would like to say a few words on this issue.

It is very surprising that for the last few days in one way or the other discussions are being held in the House but except stopping the proceedings of the House and sometimes by demanding resignations, nobody has talked about the drive launched against the corruption by the political parties and this issue could not have surfaced if some police officials had not arrested some militants who were provided money from outside the country for purchasing arms and ammunitions and for destabilising the country by any means. This all has started with the arrest of those culprits in Delhi by some policemen. It is true that the political leaders, the bureaucrats and the big bosses of Public Undertakings have been receiving money since 1987. The maximum amount was distributed in 1989-90. But if our police had not been behind the

Kashmiri militants and two three militants had not been arrested, such a serious issue could not have been discussed in the House today and the fact that it was the biggest scandal of the post independence era and the scandal which endangered the entire country, could not have come before us. I am stating it first that this case has incidentally come up before us but it was by chance that we came to know about it. It is not for the first time that Shri S.K. Jain, head of the Jain family, is found involved in any scandal since 1987. I think that several Members of the House will not be remembering Shri Shankar Guha Niyogi. He was a powerful social, political worker and activist of workers' movement who fought for protecting their interest in Chhatisgarh. He was done to death as he was making earnest efforts to seek justice for the poorest of the poor people. The two names which surfaced after his killing were that of Shri S.K. Jain and Shri Kediya who owned a big distillery. The questions were raised about him in the House and even more questions were raised outside the House but nothing happened to either S.K. Jain or Kediya because they had good relations at several levels which were known to everyone and that were basically monetary relations. Earlier, no one was aware of the fact that he was instrumental in the inflow of foreign exchange but now it has been proved.

Secondly, I would like to say that only the names of ruling party would have found place in the diary. Many of us specially two leaders of a left Party have stated in their speech that they had not received any money and that they were not at all involved in any such malpractice. But if the names of sitting Members of any single party i.e. the ruling party had surfaced, the other parties would have made hue and cry and if the Members of the other parties were found involved, the ruling party would have done so. We should not deny such things because we know the facts. The hon. Prime Minister, Shri Narsimha Rao got the first hand information about it. He is not here at the moment and he will not reply to it because he is the Prime Minister, Shri S.K. Jain was apprehended in the first week of July, 1991. The police raided the farm house of Shri S.K. Jain on March 21, 1991. Shri O.P. Sharma, the DIG who went to apprehend Shri S.K. Jain, was suspended from the service and was to be used. Shri Narsimha Rao became the Prime Minister on June 26 and being a Prime Minister, he became CBI Chief on July 7. He holds full command over CBI and if he or anybody on his behalf says here or outside the House that the Hon. Prime Minister had no information about it in 1991 then I will believe that he is not competent enough to continue as Prime Minister. If anybody becomes Prime Minister, he instead of contacting his close friends, first contacts the persons of secret services and persons attached to security. He wants to know everything related to his security and about the persons likely to prove dangerous for his life after becoming a Prime Minister. If he does not think it proper to enquire all this since he is powerful enough and does not bother about all these things, it means that he is gifted with us shakable mental equilibrium.

He may be a balanced person of very cool composure but he could not have withstood the temptation of summoning the Intelligence Chief to elicit from him at least information about the dangers facing the country. I do not possess any documentary evidence but I am aware that the Prime Minister called the C.B.I. Chief the day he took oath of office and secrecy and the C.B.I. Chief appraised Mr. Rao the same day of the glaring issue of Hawala Scandal and the names of the persons enlisted therein. The name of the person who became the Prime Minister of country prior to the former Prime Minister alongwith his Deputy appears on top of the list of beneficiaries both of whom are estimated to have received Rs. 12.5 crores. A detailed information was furnished to the Prime Minister on 8-9 July itself and it was said that the list of beneficiaries included his close aides alongwith the leaders of different parties and there started the process of sweeping the matter under the carpet. This was not the handiwork of the Prime Minister alone. This issue was brought to light by a Committee when the 'Blitz' published an article in its Bombay edition giving a detailed account of the things but without disclosing names. In 1993, an interplay of many reasons led to collection of this informatoin by a T.V. Journalist who also makes a video-magazine 'Kalchakra'. That is why Shri O.P. Sharma was trying to save his skin, saying that he is extremely innocent and is being deliberately implicated. He said that in a scandal of crores of rupees he was charged with having made a deal of corruption the tune of Rs. 10-20 lakh. With regard to this deal, dozens of people including the Prime Minister enlisted in the Jain diary would have given Rs. one crore each or more and this deal was entered into in July, 1993. The Censor board did not clear the Kalchakra video magazine after its completion on the plea that it included the name of a former late Prime Minister which cannot be allowed to go. The issue came up before the Censor Board, the appellate body. Hon. Justice Lentin of Bombay High Court said in his judgement that this edition of Kalchakra video magazine should be released without any censorship. This led to the matter to crop up in the Supreme Court. The names of the beneficiaries were made public. The police official who met me said that he would call upon me at my residence but on the appointed day of meeting, he was apparantly very bewildered and requested me to fix another venue because he was haunted by the intelligence people. The premises of Wild Life Foundation struck to our mind as the safest venue as a seminar of the Press Council was being held there on the war of Kargil. He talked to me for half an hour while standing in a two-foot gap left by two adjacently parked cars. He gave me the relevant documents. I wrote a letter to the Prime Minister. This happened in 1993. This implies that he was at that time aware of the chronology of events but had given birth to a covert scheme in mind. He thought that many names enlisted in the diary are of the persons who in their political capacity pose a tacit challenge to his authority and monopoly and that he can cash on one of these names in future.

Five years ago, I had said that this Government is banking solely upon what we call the 'Balance of Blackmail' in politics-which is a tool, a weapon used to make others keep their secrets closely guarded to their chests-on the pattern of and analogous to the Balance of Terror that maintained a *status quo* in the military equilibrium of the USA and the USSR. The matter was not burried in the file totally but kept alive to gag the mouths of dissident stalwarts like Shri Arjun Singh and the one occupying bungalow No. 10 so that their voice of dissent is suppressed as and when the need arises, by indicating to fat amounts of Rs. 2 to 10.5 crores allegedly received by them.

Mr. Chairman, Sir, things went on like that and nothing was done about it from that side of the House. The people sitting on this side construed that they were bogged down in mutual differences and wrangling to the extent that they would never dare to make the scandal public and this is where they faltered. It is a bitter truth. It was highlighted in January after the 'Mainstream' published an article of Shri Madhu Limaye in its issue of November 12th which Somnath ji would definitely have glanced through. Shri Limaye left no name unmentioned in his article of which I possess a photocopy. It contains approximately a hundred names of people of all hues including the politicians, the bureaucrats, the Government officials, the Public Sector executives etc. The Mainstream publishes about 15000 copies per day and the politicians of diverse ideologies read it. Shri Nikhil Chakravarty is one of the bosom friends of the hon. Prime Minister and has in many cases of hardship come to his rescue. Shri Madhu Limaye's article was published on Nov. 12 and I wrote an elaborate letter to Shri Vishwa Nath Pratap Singh the same day. This letter signed by Madhu Limaye has been published and a photocopy thereof is lying with me. I would like to read out before the House a few sentences therefrom so that the people who consider themselves very honest and of clean public image can get to know where they stand and on what footing. You may authenticate this document for the purpose of placing it on the table of the House, if you like.

[English]

Dear Vishwanathji,

"Nobody has questioned your personal, financial integrity. Certainly I never have. But this is not the end of the matter. You held the reign as Prime Minister for 11 months. You have claimed that your Ministers were not involved in corruption. I knew otherwise. I need not name them all here. But the enclosed article gives the dates and amounts of criminal money given to the politicians."

"When I heard some stories of what was happening in the Power Department - and being acutely aware of the debilitating power shortage - I had sent word to Arif through Zahin Malik that he should ask you to relieve him of Power. But he said to Zahin Malik: "Do you know what is there in the Power Portfolio? I will not exchange it."

Now the enclosed article shows Arif as the largest recipient among the politicians of the tainted money. Did he tell you about the largesse and did you approve of it? I like to think that you did not know at all and did not approve. Anyway, you cannot keep quiet. You will not be allowed to. Please rise to the occasion, and issue a statement asking the PM to arrest the Jains and interrogate them ruthlessly, and also to examine all the recipients including your erstwhile Ministers and colleagues, named in the Jain document. This will not only reinforce but give a new moral basis to the popular demand for action in the matter of the stock market scam."

[Translation]

This letter was not replied to Madhu Limaye is no more with us today, yet I know that his help was sought as and when the V.P. Singh Government found itself caught in a morasse. The services of Madhu Limaye were utilised to pull the Government out of a morasse-be it by way of negotiating a compromise with the R.S.S. or maintaining harmonious relations with the B.J.P.?

Mr. Chairman, Sir, as that letter was not replied to, Shri Limaye wrote another letter exactly after a month on Dec. 12, 1994.

[English]

"Dear Vishwanathji,

By now, you must have read my letter of 12 November, 1994 and the enclosed *Mainstream* article entitled *The Political Systems Hostage to Racketeers*. Your security guards had duly given my messenger a receipt. You have not even acknowledged by letter, much less deal with the point raised in it. Nor have you demanded a thorough investigation into the Hawala scandal, although your close Jan Morcha colleagues and Cabinet members are said to have accepted subversive funds. I made allowance for the fact that you were unwell and decided to wait. May be not replying to some persons' letters is your ultimate thermo-nuclear weapon. But may I suggest humbly that it is in national interest that you speak out. You rode to power on the issue of corruption."

It is further written :

"We all hold Shri Narasimha Rao constitutionally accountable for the things listed in the JPC report and which happened during his regime and rightly so. But, I ask, are he and your above the Constitution?"

[Translation]

The letter said that he should speak out his mind over the issue because a lion's share of the largesse was accepted by his Cabinet colleagues during his premiership. This letter met the same fate. Shri Limaye passed away four weeks after he wrote this letter. I am not narrating this whole episode to reveal as to what happened to Madhu Limaye but to make it known that the

names of recipients were debated in the country but nobody from that side raised this issue nor did anybody from this side think it proper to raise it. Even the politicians of a clean image did not bother to raise it.

Just now, Devendra Prasad ji referred to NF-LF. The luster of the National Front is clouded by the scandals. The Left Front is blowing its own trumpet about its clean image before the world but is not saying a word on this issue. Five years have passed since. Leave five years aside, three years have elapsed. Forget three years, why are they keeping mum since November, 1994 when that article of Madhu Limaye was published?...*(Interruptions)*

SHRI TEJ NARAYAN SINGH (Buxar) : You should recall that this issue was raised in the Lok Sabha...*(Interruptions)*

[English]

MR. CHAIRMAN : Please do not interrupt. Please take your seat.

[Translation]

SHRI GEORGE FERNANDES : Nothing happens when any issue is raised here. We should raise it before the people of the country just as the battle is going on today...*(Interruptions)*

[English]

MR CHAIRMAN : Please take your seat.

[Translation]

SHRI HARI KISHORE SINGH (Sheohar) : Mr Chairman, Sir, he is privileged to preach us but whether the hon. Member was not a responsible Minister of the National Front Government and whether he was not one among the prominent advisors of the Prime Minister of Government at that time?...*(Interruptions)*

SHRI GEORGE FERNANDES : It is right, Mr. Chairman, Sir, I was a Minister at that time. He may be knowing better whether I was his advisor or not.

Mr. Chairman, Sir, this thing I have put forth here before you, only because we are very much fed up with this discussion. We feel fed up because we do believe that the Hawala scandal, which has surpassed all the previous scandals, has given rise to the feeling among the people that the corruption is irreversible in India and this will continue endlessly like T.V. serials which have got innumerable episodes and thus scandals will be followed by scandals. This is the general impression among the people of this country and this is the most potent danger for this country.

Mr. Chairman, Sir, today is the last day of the Lok Sabha. *(Interruptions)*

347 *Motion Re: Expression of dissatisfaction at the government's failure to answer charges relating to the 'Hawala Case' and to allegations about illegal pay-offs*

MARCH 12, 1996

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[English]

SHRI LOKNATH CHOUDHARY (Jagat Singhpur) : Sir, Can I ask a question to the hon. Member?

MR. CHAIRMAN : That you please ask him if he agrees only.

SHRI LOKANATH CHOUDHARY : When Shri Madhu Limaye had written this letter and article, was the hon. Member in Janata Dal?

SHRI GEORGE FERNANDES : No, I was not...*(Interruptions)*...No, Sir, I was not ...*(Interruptions)*

MR. CHAIRMAN : Please take your seat. Hon. Member is not yielding to your question. Please take your seat...*(Interruptions)*

SHRI SRIKANTA JENA : Sir, only thing I just want to bring to your notice is that it was a private letter from a person.

SHRI GEORGE FERNANDES : No, it is not. It is a public letter.

SHRI SRIKANTA JENA : Sir, he is mentioning about a letter which was sent to a person who is not a Member of this House. It is not proper...*(Interruptions)*... Why did he not reply, what was his action, whether he has written a letter to the Prime Minister or not - this should not go into the proceedings of the House. This is not fair...*(Interruptions)*

MR. CHAIRMAN : Fernandesji, one minute please.

SHRI GEORGE FERNANDES : I will authenticate it and submit it.

SHRI SRIKANTA JENA : No, Sir, the letter may be there but what Shri V.P. Singhji has replied or not replied, how can the hon. Member in this House allege that Shri V.P. Singh did not respond to that?

SHRI GEORGE FERNANDES : No, I know it.

SHRI SRIKANTA JENA : It is not a question, you are privately telling. It is a House.

SHRI GEORGE FERNANDES : Yes, I am telling the House.

SHRI SRIKANTA JENA : If you allege something against Shri V.P. Singh, this is not fair.

MR. CHAIRMAN : Have you finished Mr. Fernandes?

SHRI GEORGE FERNANDES : No, Sir.

MR. CHAIRMAN : Jenaji, please take your seat. Fernandesji, one minute.

Now, that questions are being raised. All the Members please remember that. Please do not ask questions for which answers are clear to everybody.

SHRI SRIKANTA JENA : No, I am not asking any questions but if it is a question of propriety.

MR. CHAIRMAN : No, no. He has not done anything improper...*(Interruptions)*

SHRI SRIKANTA JENA : Mr. Chairman, Sir...

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

SHRI SRIKANTA JENA : Mr. Chairman, Sir, is it proper that he should refer to a letter which was written by Shri Madhu Limaye to a former Prime Minister who is not a Member of this House? And, why he has not replied that question which was raised by a Member and nobody is there to answer it? Is it not improper? This is too much, Sir.

MR. CHAIRMAN : Are you interested in answers or only in questions?...*(Interruptions)*

SHRI ABDUL GHAFOOR : Sir, if I write a letter...

MR. CHAIRMAN : No please, will you take your seat? You have already put your question...*(Interruptions)*

SHRI ABDUL GHAFOOR : It is a different thing.

MR. CHAIRMAN : No, please.

SHRI ABDUL GHAFOOR : If I write a letter to Prime Minister who is Jena, it is a different thing...*(Interruptions)*

SHRI SRIKANTA JENA : Shri Madhu Limaye has not written a letter when Shri V.P. Singh was the Prime Minister...*(Interruptions)*

MR. CHAIRMAN : Please do not interrupt. Take your seat, please...*(Interruptions)*

MR. CHAIRMAN : Take your seat, please.

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

SHRI NITISH KUMAR (Barh) : The last time also, they did not allow nobody to speak. And this time also, they do not want anybody to speak. What is this?...*(Interruptions)*

MR. CHAIRMAN : Nitish Kumarji, you do not have the permission of the Chair to speak now...*(Interruptions)*

SHRI NITISH KUMAR : What are they doing? Are we living in a democracy?...*(Interruptions)*

MR. CHAIRMAN : That is what I am asking you. You do not have the permission of the Chair...*(Interruptions)*

MR. CHAIRMAN : Please remember, we have a time constraint and there are three or four Members to speak. Hon. Member, Shri George Fernandes has not made any improper remark so far.

SHRI GEORGE FERNANDES : Thank you, Sir.

MR. CHAIRMAN : He has quoted only a letter which

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was published in a weekly and he has agreed that he will authenticate it and place it on the Table. Please do not put such irrelevant questions. The Member may please continue. Only if you are yielding to another Member, you will stop.

SHRI SRIKANTA JENA : Mr Chairman, Sir, I have a strong objection. He has referred to a letter. (Interruptions)

MR. CHAIRMAN : You cannot do that.

SHRI SRIKANTA JENA : By citing that letter, if he tries to condemn Shri V.P. Singh, who is not a Member of this House, this is not proper, Sir...(Interruptions) He was alleging that nobody raised this issue in this House. If the matter was known to him in 1992 and a police officer said that to him in a conference, why was he keeping mum? Now, I am making the same allegation: 'Why did he not refer to this issue, at that point of time?'

MR. CHAIRMAN : Will you please allow the Member to speak, Mr. Jena?

SHRI SRIKANTA JENA : He is alleging others and not asking himself. This is not proper.

MR. CHAIRMAN : You are, without the permission of the Chair, doing all these things and you think everything is right. This is not correct. If anything improper is raised in the House, it will be removed from the record....(Interruptions)

SHRI SRIKANTA JENA : Everybody is wrong in this House because we have not said anything so far. Only Mr. George Fernandes is correct because he is raising it, at the last moment. That is why he is correct and the rest are all wrong. This is the perception that he is taking.

MR. CHAIRMAN : Please, Fernandesji, take your seat. Today is the fag end, the last day of the House. I would request you, hon. Shri Jena, you are a Leader of a Party. Whoever is sitting in this Chair, the ruling of this Chair cannot be questioned. Let us not create a wrong precedent. Today, you have raised an issue. I have given a ruling that the hon. Member, whatever he has quoted, he should authenticate and place it on the Table. There is no further discussion on that question. This is the final ruling of the Chair, Please understand. Fernandesji, please continue.

[Translation]

SHRI GEORGE FERNANDES : Mr. Speaker, Sir, Srikant ji is angry with me. We will not give reply to his question because we have to conclude our discussion very shortly. Therefore, we would not go into that discussion. I do not think whether we are seriously considering as to how these circumstances were created and how these can be contained. I have heard everyone's speech and have gone through them for the second time as well but I could not find that any efforts have been made to check its further recurrence. One thing is coming up time and again and that if election funding is made from Government

treasury, then the entire corruption rampant in India, will be wiped out...(Interruptions)

[English]

MR. CHAIRMAN : How much more time do you want?

[Translation]

SHRI GEROGUE FERNANDES : I will take 10 minutes more.

16.59 hrs.

(SHRI SHARAD DIGHE *In the Chair*)

I do not believe that the corruption will be wiped out by providing funds to political leaders or candidates contesting the elections and the era of clean politics will be heralded thereby. I do not think that there is intrinsic relationship between corruption and elections. If we correlate the term elections and corruption then we can understand that politicians become corrupt because they need money for election. Then why bureaucrats are getting corrupt? Those who got money in Jain Hawala scandal are no ordinary men.

17.00 hrs

Keeping in view their industrial enterprises and the amount paid to them which election they are going to contest? Therefore, we should not give bad name to democracy by linking corruption and elections. This is my personal opinion. That does not, however, mean that the election system should continue as usual without any change with massive expenditure, making it beyond the reach of common man. This is not what I imply. But if we view this discussion with proper perspective, then we should indeed root out corruption from election process. That is why I am saying that there are several cases in the coming, which have nothing to do with election of any party or in any State.

A few days back, the case of the Gujarat Government came to light. Mr. Jaspal Singh is a Minister there. A scandal regarding setting up illegal refinery has been going on there and for this, Oil Mafia has dismantled the oil, petrol, diesel and kerosene pipe line. This scandal has been going on there for long in which about Rs. 500 crore are being looted annually. The sales tax of the Government is being evaded and oil money is being looted. And, every body knows what treatment these mafia people has meted out to Mr. Jaspal Singh, who took up this case. At the same time we all know what this Government had done. I have got all the documents to this effect. He got arrested eight to the mafiadons, some others have not been arrested, they were likely to be arrested, they had to be sent to jail, then some orders were issued by the Central Government. The then Civil Supply Minister had said that they be released, though some of them were not arrested by them. Orders were sent to jail authorities to this effect.

Rs. 62 crores have been involved in hawala case. What will happen to this country? All the dacoits arrested by the Gujarat Government till now, have been got released by this Government during the last three months. The persons arrested in the morning were released by the evening and the persons arrested in the night were released next morning. The document contains details about every one and full information thereof.

We are raising here the issues of hawala, corruption, politics and elections. Which political leader is on their side? One Shri Jaspal Singh a member of that Cabinet, is fighting against it and this Government is stopping him. We are trying to solve the hawala case. How this would be done? No present politician is involved in this case. The leaders of former Government were involved in it but the case of withdrawal of Rs. 500 crores within one year is still going on.

The oil mafia is in Mumbai and Calcutta as well. Does the Minister of Petroleum, Shri Satish Sharma not aware of it? What is the use of telling this to him? A case against him is going on in the Sessions court of New York and even knowing about it, he was included in the Cabinet. (Interruptions) As you know, the allegation is of embezzlement of money. (Interruptions) I would like to cite an example of a recent incident Rs. 4000 crores are being looted in this case of oil scam with the collusion of Ministry of Petroleum I am not including in it the cases of allotment of gas agencies and petrol pumps. This loot is being indulged into by mafia. The top officials of the Government, Ministry of Petroleum, Indian Oil and Oil India are involved in it. Such type of information has also been given in the Committees of which you are also a member. The Government has been provided several written documents, but so far nothing has been done and nothing is going to happen to them. These mafia groups are operating with impunity at various places. I do not think that if elections are funded everything will be all right.

Several measures have to be taken to fight corruption. But it is useless to tell these measures to the Government. I would not like to take much time of this House on this issue. But we all should feel ashamed of as to how the image of this country has been lowered before the world and it would be better if we all work to improve it.

I have the August 1995 issue of 'Fortune' fortnightly with me, in which there is an article entitled 'How corrupt this Asia?' In the corruptometer of Asia, India is at seventh place on a scale of ten.

SHRI VIRENDRA SINGH (Mirzapur) : From where it is published?

SHRI GEORGE FERNANDES : It is published from New York. Shri Chidambaram tells us that we have a good image in the world but we know that we are at number seven on the Asian corruptometer scale of ten. Then, this is an issue of the Economic Review of 14 September,

1995 in which an account of corruption of 48 countries has been given and we are at 46th number here. Does this world not know about it? We are trying to curb corruption with huge pump and show but does the world not know about the corruption in our country. (Interruptions) Has everything in our country been set right? Number one is not there. They have not given the names of all the countries. New Zealand is at number one and our place is 46th out of 48.

SHRI INDER JIT (Darjeeling) : What is our number in 'Fortune'?

[English]

SHRI GEORGE FERNANDES : Indonesia and China are on 7.31; and India is on 7. (Interruptions)

SHRI KIRIP CHALIHA (Guwahati) : Who has made this corruptometer? Has he got any authority on corruption? (Interruptions)

[Translation]

SHRI GEORGE FERNANDES : I am telling that. The people of Davos prepare it, where you go for eating and drinking.

[English]

MR CHAIRMAN : Please conclude. You promised to conclude within ten minutes. (Interruptions)

SHRI GEORGE FERNANDES : I am concluding, Sir.

[Translation]

I will conclude after raising two or three issues. I have said that I will not go into the details but raise some important issues only, provided we are inclined to curb the corruption in reality. It has been said here that Elections would be held for 543 Lok Sabha seats within next two months. I do not know as to whether this Government is going to do that or not. We do not know about the exact position of Kashmir but we may be holding elections for 525-530 seats. Similarly, leaving Uttar Pradesh, elections are going to be held in certain States also for 1325 Legislative Assembly seats. Election Commission has declared that Rs. 15 Lakh can be spent by a person for one seat. In this connection I would like to point out that Election Commission had said that they knew about persons who had spent Rs. 1 crore on the election for one Legislative Assembly seat I think that all the major and small political parties will spend at least Rs. 2500 crores in the coming two months and I also expect that this expenditure could reach upto Rs. 5000 crore. From where this money would come? The outcome of this debate can be drawn from the answer we get in this House. We are fed up by raising the question of removal of hon. Prime Minister. Sometimes, I get angry whereas sometime, I feel happy. Since the beginning, we have been advising them not to elect him Prime Minister. But they did not listen to

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us at all because certain Parties were considered untouchable. We have been saying in this House and also outside the House that at least floor Co-ordination should be maintained to ensure that he is not made Prime Minister. 202 Members were there and 82 were brought through horse trading and this went on. Today, we are troubled on certain bank accounts. This continued for a long time. We all knew that petrol Pumps and gas agencies were being allotted and land was being doled out. Were you aware of it or not...(Interruptions) We all know that the Prime Minister is not going to resign today. This Session is going to conclude today and he will remain the Prime Minister I would like to test him. Is he ready for it? Can he call the leaders of all the political parties and suggest the measures to check the use of black money in elections. Let there be a fight of different ideologies and there should be no horse trading. Is he ready to say so? Otherwise, this issue of Hawala would continue and this debate, newspapers and television would become meaningless Rs. 5000 crores would be arranged and spent in the coming two months and as such hawala would continue no one would be ready to do anything in this case. Today, they are in power, otherwise I would have said this to Shri Atal Bihari. In any case, this issue is going to be raised after two months. I would certainly ask him about his intention. How much is he honest in this kind of issue? Now a days, newspapers have started writing that hon. Prime Minister has shown his cleverness in this matter...(Interruptions) He has got his own party people arrested so that people may not object to the arrest of other people or blame him for his political motive and in this way he has tried to present himself as clean. Today, I would like to say to all of you that hon. Prime Minister should call a meeting of all the political parties in the next 24 or 48 hours to discuss about the arrangements of money for coming elections if the intention of their leader is clear and he really wishes to check the use of black money or to stop the Hawala like cases. Then I would accept the usefulness of the action taken in hawala cases. Leave aside as to who would be imprisoned or leave the politics.

I remember that in 1975 when you were the Chief Ministers, there had been a huge procession under the leadership of Babu Jai Prakash Narain on the roads of Delhi and at that time he had given a call that "Leave the throne, public is coming to rule". Now after the adjournment of this House, this Jain Hawala will end as they would say that now Animal husbandry scam of Bihar is coming. Nothing more would happen. I, therefore request you to think sincerely and honestly on these issues and be alert to face the real problems. With these words, I thank you all.

[English]

MR. CHAIRMAN (SHRI SHARAD DIGHE) : I think it is time to conclude the debate. May I ask the Minister to intervene now?

SHRI BHOGENDR A JHA (Madhubani) : Sir, I would

like to be heard before she replies. I have got some points to be raised.

SHRI CHITTA BASU (Barasat) : Hon. Speaker was kind enough to assure us an opportunity to speak. She may reply but she should hear me also.

MR. CHAIRMAN : There is no time. Please cooperate by speaking only for five minutes each. I will allow only two Members to speak.

17.17 hrs.

SHRI CHITTA BASU : Sir, I shall not take much of your time. I would only invite your attention to the grave implications of the hawala cases for the democratic polity of our country, public probity and ethics and transparency of the Government. It is not merely the question of how much money - big or small sum of money - had changed hands at a particular point of time by a particular person or a particular group of persons. It is more than that. This means or it really relates to the basic principle of the accountability of the Government of the day to the Parliament and through Parliament, the sovereign people. This is the main issue. So many things have been said like it is not identified this man or that man. That is necessary but we cannot miss this very important, decisive and very crucial issue that whether accountability would be there in our country and democratic polity. Sir, Parliament, as an institution, denude of the principle of accountability, ceases to be Parliament worth its name. The issue, therefore, is, how to preserve that basic principle of accountability. Therefore, I think the House should consider this aspect of the grave implications arising out of the hawala cases.

Sir, we should also take into account the ramifications of the judgement of the Supreme Court dated March 01, 1996. This judgement has divested the Prime Minister of the administrative authority over the CBI. The Prime Minister has sought to reply to this question as merely a usual practice. He has been kind enough to mention about certain earlier instances where the CBI has been accepted as responsible to the Court itself and not to the Department and not to the Prime Minister. He says that it is the usual practice of the Government.

Sir, excuse me for saying this, it is not acceptable to me or, I think, to a larger segment of this House. It is unusual and it is extraordinary. This cannot be taken to be the view of the Parliament itself. I again say, it is unusual and it is extraordinary. The hon. Minister for Personnel and Public Grievances, Mrs. Margaret Alva owes a reply to this very crucial question. I hope she would try to clarify the position.

Sir, the judgement of the Supreme Court dated March 01, 1996 is a clear indictment of the highest judiciary on the Prime Minister of the country. It needs no explanation that it is an indictment. For any Prime Minister, for any honourable person not to heed to this indictment of the highest judiciary, permit me to say, Sir, or any attempt to

ignore it is nothing but shameless, brazen and dereliction of duty. Therefore, for a Prime Minister of a country of India's status not to heed to this judgement of the Supreme Court is unpardonable by the people.

Sir, the Prime Minister is not merely an individual. He is a collective entity; he is a collective institution; he is collectively representing the wisdom of the nation. Therefore, for a Prime Minister not to heed to the judgement of the Supreme Court is, again I repeat, unpardonable and the people cannot accept it.

The stony silence and not to address the issues raised by the Supreme Court usually amounts to the contempt of the judiciary, a disrespect to the nation's sense of morality and ethics. It is a tragedy that the Prime Minister considers it a usual practice and a usual matter. Any well-governed country might have considered it as an affront on the Judiciary on the Executive.

Sir, this country has witnessed a plethora of scams beginning from the Bofors to this *hawala* case.

All along the Prime Minister has been accused that he was involved in suppressing the truth. His role has been very prominent and decisive in the *hawala* cases, in the payoffs to the Member of Parliament during the No Confidence Motion in July, 1993, in the St. Kitts forgery conspiracy and in the Goldstar scandal. Sir, in this situation, I think the Prime Minister should step down in order to facilitate a proper investigation into the crime that has been perpetrated in this country.

Sir, with these words I again urge upon the Government, and particularly the Minister who is to reply to make the position of the Government clear as to the issues which have been raised as a fallout of these *hawala* cases

MR CHAIRMAN : Shri Bhogendra Jha, please complete within five minutes.

[Translation]

SHRI BHOGENDRA JHA (Madhubani) : Mr. Chairman, Sir, to save time, I support our leader, Shri Indrajit Gupta's views and proceed further.

Sir, I am not disappointed with these scandals. Revelation of the scandal proves the inherent strength of our democracy and our system. Our democracy has the strength to cope with *hawala* or any other scandal be it in the ruling party or in the Opposition. We have started cleaning the mess. Therefore, at least, I do not see any cause for despondency, in our people, in our democracy or our future...*(Interruptions)* I am coming to it. You are involved in that also. Hopefully, the Minister would be allowed to sit, here...*(Interruptions)* One of the persons having major share in animal husbandry case is also present here. He was also promoted and made a Minister.

[English]

MR. CHAIRMAN : Bhogendraji, address the Chair and complete.

[Translation]

SHRI BHOGENDRA JHA : Thank you. An important aspect of our Parliamentary system is that it is a Prime Ministerial democracy. In it, the performance of the Prime Minister can make or mar the Government. The rest of the Ministers hold office at the pleasure of the Prime Minister. In these circumstances the decision given by the Supreme Court regarding the Prime Minister, without mentioning this name, is in accordance to its reputation and dignity. The Supreme Court has not used any names but used pronoun, so that there is no ambiguity. The C.B.I. will directly work under the Supervision of the Supreme Court. No Government machinery, politician or any official of the executive will interfere with the C.B.I.'s investigation into the *hawala* case. The judgement given by the Patna High Court yesterday, may or may not be contested in the Supreme Court. I want the Government to make an announcement that it will not interfere with the C.B.I.'s investigation in Bihar.

The Prime Minister will not interfere with the C.B.I.'s investigation. Regarding the CBI's investigation in Bihar, the Government position should be the same as its role in the *hawala* case. Otherwise, the suspicion will persist that the Government's interference would result in unfair outcome. The Government should allay this suspicion. If this matter goes to the Supreme Court, the judgement would be the same as in the *hawala* case. The Government should have the grace to make an announcement that the Government would not interfere in the C.B.I.'s investigation in Bihar. This would allay the environment of suspicion. I am shocked to know one thing. The Opposition Leaders are present here and just now Shri George Fernandes had made his speech. Whether there is dearth of funds for the elections due to which we are having this *hawala* episode. Mr. Chairman, Sir, the *hawala* scandal is a blot on us, on our democracy. No amount of excuse can justify this crime.

I am of the view that it is an injustice to our democracy and the people to link the *hawala* scandal and corruption with the election expenses. It is very important to discuss the issue of election expenses...*(Interruptions)*. Apart from myself and Shri Indrajit Gupta, there may be several others who have won and lost the election. But this blot will be on our democracy and election. The voters cast their votes, contribute financially and even sacrifice their lives when the need arises...*(Interruptions)*. On 12th June, 1991, one of their Minister had a man killed. Even then he lost the election. Our colleague became a martyr. All of them were poor. Though financially poor, they were very honest. Therefore, please do not justify the *hawala* scandal by making an excuse of shortage of funds.

Do not commit an injustice by linking the *hawala* scandal with the shortage of funds, and thereby condone it. This would be against the spirit of our democracy and

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our Constitution. Therefore, do not try to link the two. Keep these issues separate.

Mr. Chairman, Sir, in the context of the views expressed here, I would like to say that, there are two aspects to our democracy. In our democracy also, there are pulls and pressures. The hawala scandal is a black spot on our democracy. Booking of the hawala accused is like a silver lining in the cloud. There is every hope that we can also catch them and if we catch them lots of people get hurt. Even our dear ones get hurt. Therefore, it is a sort of hide and seek. And the action taken should be expedited. We have to do this and not feel despondent.

Mr. Chairman, Sir, less attention has been paid to one thing. With regrets, I have to say that there is corruption, immorality and cruelty prevalent in the Media and among the politicians also, which is against national interest. From where did the money involved in the hawala scandal come? It belonged to the ISI, which is an intelligence outfit of Pakistan and not an ordinary one at that. It dictates terms to the Pakistan Government. It is also linked with the CIA. I want the Minister to reveal the amount of money that came from ISI and the amount that originated in the country itself. It is a case of treason, not an ordinary case. Some of our people are deeply concerned, as to how can an ex-Minister provide shelter to Dawood Ibrahim's henchmen. And some people are aghast as to how can an MP, who won on the Lotus symbol give shelter to Dawood Ibrahim's henchmen...(Interruptions)

[English]

SHRI JASWANT SINGH : I have to say something, Sir.

[Translation]

It is very objectionable. It is true, the Government has charged two members of Parliament for harbouring associates of Dawood Ibrahim. An honourable member has already declared these two members as guilty. And in this enthusiasm stated that one of the two was elected on the lotus symbol. My submission is that the concerned Members has no links whatsoever with Dawood Ibrahim. He has nothing to do with Dawood Ibrahim till now and nor will be have any link in future. The charge is yet to be proved. The two members have been apprehended solely because of the charges levelled against them by this Government. Time will expose the Government's intention. It is not proper to brand them guilty at this juncture...(Interruptions)

[English]

MR. CHAIRMAN : That is enough, please.

[Translation]

SHRI BHOGENDRA JHA : I wish this issue had been raised earlier...(Interruptions) You should have said this earlier. I want to lotus flower to remain spotless. Though,

I may or may not wish the same for the party. I certainly would want the flower to remain spotless. But flowers with spots are being selected with care. Their leader in the Vidhan Sabha is already under a cloud. He was a Minister when he is alleged to have taken bribe.

He was in the Finance Ministry, in the Janata Dal Government. And when they saw he was ready to take the bait they took him in their fold...(Interruptions)

PROF. RASA SINGH RAWAT (Ajmer) : What is happening in Bihar...(Interruptions)

SHRI HARIN PATHAK (Ahmedabad) : Shri Advaniji has also resigned. It has been proved in the JPC that Rs. 12,000 crore...(Interruptions) What was your role in 1962?

You are not the only one who is patriotic. Even our ancestors sacrificed their life for the nation. (Interruptions)

SHRI BHOGENDRA JHA : Have some patience. Today he has become unrestrained...(Interruptions)

SHRI HARIN PATHAK : You also show restrain

SHRI BHOGENDRA JHA : The Government should clarify the amount received by each recipient. Recently it was reported in the papers that dozens of Kashmiri leaders have been receiving financial assistance from I.S.I. and other external sources. If anyone from my party or myself is found to have received money from I.S.I., then you would have the right to accuse me of being a traitor. It is not a case of corruption, but, of treason. The Government should make its stand clear on this. The man who is responsible for the Purulia arms dropping case is yet to be apprehended. Is there any Government in India. Our leader Shri Indrajit Gjupta resigned from the Finance and the Standing Committee. I certainly did not like it. But the Committee realised that we, as well as the Government were helpless. National security is at stake. The matter becomes all the more serious when we give asylum to their agents. Our media should reflect the conditions prevailing in the country. By not doing so, it is making a mistake. Again, I repeat that, the C.I.A., in its report had said that India will disintegrate. Those who saw the partition of our country in 1947, cannot but warn the nation against this danger...(Interruptions)

MR. CHAIRMAN : You said you will finish your speech in five minutes.

SHRI BHOGENDRA JHA : Half the time was taken by him. What is our Finance Ministry doing in cases pertaining to FERA, violations and evasion of Income tax? I know the Finance Minister has some limitations. With the liberalisation of the economy foreign exchange transactions have increased. But when you have opened the economy you must have the capability to check the violation of any law. Not only we, but the entire nation will also suffer. Therefore, it is not only an economic offence, it is also treason. They say that they were not aware of it. On 7th March, 1994, I tried my level best but did not get an opportunity to speak.

I want to quote that I had said on behalf of my party in reply to the President's address...*(Interruptions)* Be patient. Don't show so much impatience. On 7th March, 1994, in this House, which replying to the President's address, I said...*(Interruptions)* The I.S.I. used the Jain brothers as conduit for bribing. It is a case of corruption, an attack on our democracy which has a bearing on the unity and integrity of the nation. The Government should reveal the names of those involved in the scandal. Forty-two politicians figure in it. More than half belong to the ruling party. Large number of opposition members also figure in the list. This is a case of treason. With this I conclude. The Government should reply to these main issues.

Regarding Bihar, the Central Government should remain impartial and keep itself aloof, as decreed by the Supreme Court. So that the investigation could go on unhindered. This started during the time of the Rural Employment Minister, in 1981-82. His share in the misappropriation was to the tune of Rs. 44 crore. The total amount involved in the scandal turned out to be Rs. 600 crore. After misappropriating Rs. 44 crore he was promoted. He lost the Lok Sabha election. And become a Minister, even though he had misappropriated Rs. 44 crore. This scandal proved to be a source of unending corruption. As the Prime Minister too is involved in it, we demand his resignation also.

[English]

SHRI RANGARAJAN KUMARAMANGALAM (Salem): Mr. Chairman, Sir, I am grateful that you have given me the permission to put in a few words at the very end of the debate.

Mr. Chairman Sir, it is with a heavy heart that I stand here to speak on this debate because I think it is not a debate which should have taken the overtones which it has taken where we are casting aspersions or allegations on each other. An extremely unfortunate situation has arisen where cutting across party lines allegations are being made that Members of Parliament, Leaders of political parties are involved in receiving political donations which amount to illegal gratification according to the law and according to the prosecuting agencies. Not only that, a campaign is on almost at every corner to say that the whole system in itself is corrupt and none of us are really outside the pale.

I think, what we need to address is how did this arise? Why did this come about? What are its solutions? And is this merely a political issue or does it have something much deeper to it?

Mr. Chairman Sir, the famous Hawala Diaries were seized in May, 1991 as everybody is aware of. It is only in the year 1993 that a Public Interest Litigation was filed. I would like to know from Mrs. Alva, who I understand is going to reply to this, what happened between May 1991 and 1993.

Yes, when it was seized, I think, Shri Chandra Shekhar was the Prime Minister. Then later I was also in the Council of Ministers, but I am sorry that I was not privy really to the information as to what happened and I am sure that there are other members of the Council of Ministers even now who are there and who are not privy because it does not necessarily become privy to everybody.

All of us know that. But one would like to know at least in this House what happened to those years. Thereafter, between 1993 and 1995, the investigation really took turn with statements being recorded. It was pending in the Supreme Court till 1995. And then ultimately, it is only in January, 1996, that is a couple of months before the elections, that the first charge-sheets were filed and that too they were filed in instalments. I understand, firstly the bureaucrats, some of the officers faced charge-sheets and then a group of politicians, some of them were Ministers and then a second set of charge-sheets once again, where some of them were Ministers and non Ministers belonging to other Opposition parties, were filed. I think, all of us who have been to a certain extent practising would know that the charge-sheets are rarely filed in instalment basis and very rarely do the charge-sheet have riders at the end saying that they need permission from the Court to obtain more information to establish the offence which we are charging and accused of, especially with regard to the end use of the money. This has happened in more than one case. I may be permitted to take the names; Shri Advani, Shri Arjun Singh, etc. So, half baked charge-sheets were filed. Nothing is clear. It is natural, when such things happen, that doubts arise in the minds of the people that this is not a normal criminal case where certain people have committed illegalities and, therefore, they have been arranged before a Criminal Court.

You have a situation where the conduct of the whole investigation becomes suspect. It is not my view alone. I think, Mr. Chairman, Sir, I should be permitted to quote; I do not know whether you would insist that one should certify the copy of the Supreme Court Judgement and lay it on the Table of the House because it is supposed to be a public document. However, I would like to quote from it if I have the permission. Otherwise, if the Chair insists that I should certify and place it on the Table of the House, I can. It is the Supreme Court's Judgement. Its Orders are supposed to be public documents. I repeat.

I would like to quote from the Order of the Supreme Court dated 30th January, 1996. This Order was issued, one may note, after the first batch of charge-sheet were filed. Here the Court goes on to say as to they did take cognisance. The Supreme Court took cognisance of this case itself essentially because the matter has been pending for so long without investigation and without any proceedings taking place. The charge is direct. The gist of the allegations, if I may quote:

"In the writ petitions the Government agencies like the CBI and the revenue authorities have

filed to perform their duties and legal obligations in as much as they have failed to properly investigate matters arising out of the seizures of the so-called Jain diary incertain raids conduced by the CBI, it is alleged that the apprehending of certain terrorists led to the discovery of the financial support to them by clandestine and illegal means, by the use of tainted funds obtained through the hawala transactions; that this also disclosed a nexus between several important politicians, bureaucrats and criminals, who are all recipients of money from unlawful sources given for unlawful consideration; that the CBI and other Government agencies have failed to fully investigate the matter and take it to the logical end point of the trial and to prosecute all the persons, who committed any crime and this is being done with a view to protect persons involved, who are very influential and powerful with the present set of powerful leaders and that matters disclosed a definite nexus between crime and corruption in public life at high places."

I think, it is necessary to go on record because a lot has been said about why the Supreme Court should and should not intervene in the matter. The Supreme Court has set out at large in an Order as to why it did.

It is not that it did suddenly. What is even more important (*Interruptions*) Mr. Chairman, Sir, I would like to speak but if you want to stop me, I will stop and sit down because I know I have tried my best to get a chance. If you can hear me out, I would be grateful.

The other important point the Supreme Court categorically has stated that the facts and circumstances of the present case do indicate that it is of utmost public importance and this matter is examined thoroughly by this Court. The Court has gone further to say that the delay is the justification for them to intervene. I would like to know from the Government. Do they agree with the Court or do they disagree with the Court? Because we have heard the Prime Minister stand up and say that he agrees with the Court so far as the order is concerned. In fact, he went on to try and implicate and say indirectly that it is at the instance of the Solicitor-General that the order came about. If you can read the statement, Mr. Chairman, Sir, - Members of the House can; it is part of the record of the House - you would see the indications in it. Of course, the Prime Minister is very adept at saying things without directly in saying them. But leaving that part - he has the right to do, it is a matter of expression - what is, I think, important for us to realize is, after this, the Court passed another order on which the Prime Minister made a statement. That order was dated the 1st of March, 1996. That order was the outcome of a petition filed by the petitioners in the Public Interest Litigation which is an interim application, in the Writ Petition of 340 to 343 of 1993. That application, of which I have a proper Court

certified true copy, categorically says, that there is a charge, there is a statement in fact, in paragraph 3.1 of S.K. Jain, which categorically - I do not want to read the whole statement - blames the Prime Minister and then goes on to say in the next paragraph that "no person howsoever high he may be should allow himself to be placed in a position where his duty conflicts with the interest. Authorities and agencies working under him are, therefore, also in the same position, where the interest of their superior conflicts with their duty which they owe to the law and to the public. The CBI, therefore is in a position where it cannot function in a manner which can inspire public confidence, public faith or in a manner which will not subvert public interest." In fact the prayer is clearly in the petition. It is also essential that the CBI be asked to submit to the Court in what manner it may be relieved of reporting to bureaucrats and the political executive and in what manner it should be freed and distanced from their control and also interim orders may be given. Now on the basis of this, the Court passed the interim order where the observations are categorical and it says in no uncertain terms. If I may point out, it is criminal Miscellaneous Petition 1153, in fact. They have said, we have heard Shri Anil Dewan and the learned Solicitor - General, Anil Dewan is an *amicus curiae* counsel appointed by the Court for the Public Interest Litigant. In so far as larger relief or suitable guideline sought therein, is concerned, the matter is deferred for consideration at the appropriate later stage of this proceeding. By larger relief meaning, where CBI has to be totally independent They have not addressed that. In so far as this case, as for the interim relief claimed in the application, is concerned, it is sufficient for us to bring and state as under: To eliminate any impression of bias and avoid erosion of credibility of the investigators being made by the CBI and in any reasonable impression of lack of airness and objectivity therein, it is directed that the CBI would not take any instructions and report to or furnish any particulars thereof to any authority personally interested in or likely to be affected by the outcome of the investigation into an accusation. This is, therefore, directly after the petitioner made a charge that the hon. Prime Minister is being accused. And, therefore, investigations have to take place and, therefore, the CBI should not report to the Prime Minister since he would be one of the persons who is likely to be affected in order to avoid bias. So one thing is very clear that there is a charge made by the same S.K. Jain, who has also named Mr. Advani, Mr. Arjun Singh etc., to the Prime Minister.

Now investigations are being carried out, I hope so because the court has made it very clear that the case should not be closed without them being approached. I am sure that the court would be reported to, most probably tomorrow I think is the date.

But what is important is, and I think what one needs to understand is, we have reached a stage where the judiciary has decided that the executive and - I am sorry to say - we as a sovereign House also seem to be

helpless to curb, if I may say, the cancer of the disease of corruption. It has spread so deep that right from the top to the Bottom; according to the court, it is not me, where they believe and I think if I remember one of my colleagues who first started today was trying to quote from *India Today* one of the interview extracts of Justice J.S. Verma himself, I do not think that I should do it because he has already done it, but very clearly, we have reached a stage where we are abdicating both as an executive here which is accountable to this House and Parliament as whole - I am sorry to say - the duty which we should be doing, it is our duty both as makers of the law and the duty of the Treasury Benches and the executive, as the executives of the laws so made, to ensure that in full fairness and with full justice we ensured that the law is maintained. If we want to say and I tend to agree with Shri Bhogendra Jha, I do not agree that corruption is justifiable on the grounds of political donation.

The issue that arises is, if I am not a Member of Parliament, and I take a political donation I have not committed a crime. That is the interpretation today. I am a Member of Parliament and I have taken a political donation. I have committed a crime irrespective of whether that was used for election, not used for an election, end use justifiable, not justifiable. What basis of discrimination is this that we have in our law, if this is the interpretation of law?

MR. CHAIRMAN : Please conclude now.

SHRI RANGARAJAN KUMARAMANGALAM : I would not take very long. I would just soon complete.

I know for a fact and all of us know for a fact, that there are some people who were elected in that period before 1991 who were Members of Parliament, they have taken donations, held office at that time, public office, so they are charge-sheeted. There are some who did not have the good fortune of getting elected to Parliament, so, they have escaped the charge. This is the situation where if the people support you, you are liable to be under question. If they do not you are not. That is not the only situation. The situation, I think, that arises is that if we consider political donations as an act of corruption, fine, let us do away with it, let us have State funding. Why do the Government and the Treasury Benches address that question? After all, those Ministers who resigned most of them, I am not saying all of them, have been charged on the ground of politic donations. If that is going to be the charge of a person being in charge, let us do away with that. Why do not the Treasury Benches bring it forward? Obviously, do not need it today. Today they want to have the system that is already prevalent and if one suggests State funding, they come back saying that even where there is State funding there is corruption and money is collected for elections. I want to make it clear that 'political donations' is only an excuse. I repeat that it is only an excuse that we are all finding for aggrandisement for one's own self. There are all of us, 544 who got elected, now we are 514 who are elected.

MR. CHAIRMAN : I think you should conclude now.

SHRI RANGARAJAN KUMARAMANGALAM : The point that arises, I think, is what about all of us? I mean to say are all of us in that position? I think we need to address also another question? What happens if we have the Leader of the House under Investigation? Are we going to just keep quiet about it? Is the Leader of the House above reach above all law? The moment the investigation started charge-sheet was to be filed and other Ministers resigned.

18.00 hrs.

(MR. SPEAKER *in the Chair*)

There were others against whom when investigation takes place, they are asked to give up their positions. Why is it that the Leader of the House not questioned? I think the question needs to be answered. Is the Prime Minister under investigation or not? Since he is the Prime Minister, will he not be under any investigation? I think we need to know that. In addition to this, hawala, according to me, is the tip of the iceberg. If one goes into the Vohra Committee and the background information that went into the Vohra Committee Report, even the statements made before the Vohra Committee Report, I think, are more damning than anything else for all of us as a House.

I would request sincerely, after we voted on this Motion 184, as Shri Geroge Fernandes and other hon. Members have said that let the Leaders of all the political parties sit together, address the question as to how do we redeem the prestige of this political system as a whole, in the eyes of the people. If we fail to do that and only throw and cast aspersions on each other, I think, we will destroy the system, which many people will not like.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI (Garhwal) : Sir, let us extend the time of the House.

MR. SPEAKER : We will extend the House until we complete this business and the Motion of Thanks to the President.

SHRI YAIMA SINGH YUMNAM (Inner Manipur) : Mr. Speaker, Sir, I rise the register my support to the Motion in respect of hawala case moved by Shri Atal Bihari Vajpayeeji.

I will not take much time to the House. But I would also like to share their concern and I join them in demanding the resignation of Shri P.V. Narasimha Rao. My concerns are that it will promote the image of this country for which we have been proud of, our being the greatest democratic country in the world. It will definitely promote our image in the world.

Sir, as I consider, there are two issues. One is the investigation conducted by the C.B.I. on account of certain names of certain persons found in the diary of Shri S.K. Jain. Another investigation is not conducted although the names of certain persons as mentioned by Shri S.K. Jain

himself in the statement. So, the second category includes the name of Shri P.V. Narasimha Rao. In that case, it will be very graceful if he resigns and steps down gracefully because I understand that even after this Lok Sabha's term is over, a new Lok Sabha will come after two or three months and it will take up this issue again.

As we all know, this happened in Japan, in Korea and in some other countries that actions had been taken against persons when they were not in power. I think, the Prime Minister may also face the same situation again. So, it will be most graceful if he resigns immediately and promote the image of this country in the world.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA) : Mr. Speaker, Sir, I had sat for long hours listening carefully to the speeches of the hon. Members, especially the Leaders of the various political parties in the House. I have taken note of the suggestions that have been made and the questions that have been raised. I do hope that they will have the patience to listen to me so that I can clarify the doubts, if any, which the Members may entertain in connection with this matter including the role of the C.B.I. and the Administrative Department.

On 25.3.1991, the Delhi Police arrested one Ashfaq Hussain Lone in Delhi and recovered 23 bank drafts payable to 22 persons in the Kashmir valley worth Rs. 15.5 lakhs as well as Rs. 50,000 in cash.

As the case related to funding of militants in the Kashmir Valley by expatriate Kashmiris through hawala channels, the case was registered under section 3 and 4 of TADA Prevention Act, 1987. The CBI took over the investigation on 28.4.1991 and a case No. RC.5(S)/91-SIU.V/SIC.11.CBI, New Delhi was registered. During the course of investigation, one Shambhu Dayal Sharma, a hawala agent of Delhi, was arrested. Enquiries revealed an outline of a hawala network which included S.K. Jain, J.K. Jain, etc., consisting of various branches, some working as conduits for terrorists, some indulging in conversion of foreign currency for extra rupees, some as conduits to illegal money like kickbacks, etc., with links to Bombay, Dubai and other places abroad. Simultaneous searches on credible information were conducted at twenty places in Delhi on 3.5.1991, including the residence of Shri J.K. Jain at G-36, Saket, New Delhi. In the House search of the said Shri J.K. Jain, two diaries, two files and two small slip pads, containing details of receipts of various amounts from different sources and details of payments thereof made to various people, whose names and payments were recorded in abbreviations and coded words and figures were recovered. In addition to this recovery, unaccounted cash, Indira Vikas Patras, foreign exchange in travellers cheques and cash were also recovered. The terrorists funding part of the investigation in RC.5(S)/91-SIC.11 was completed and the charge-sheet filed against five Kashmiri terrorists, namely, Ashfaq

Hussain Lone, Shahabuddin Gharui, Mohd. Ayub Shah alias Salauddin, Mohd. Ahsan Dar and Dr. Mohd. Ayub Thakur in the designated court on 23.2.1992. The case is pending trial and progressing in the court.

While the investigation of the main case was in progress, the CBI received information that Shri O. P. Sharma, the then DIG in charge of the investigation, was demanding money as illegal gratification from the accused. S.K. Jain, for hushing up the case against him. This allegation was carefully verified and the CBI trapped the said DIG on 16.6.1991, while accepting Rs. ten lakh as illegal gratification, and recovered the bribe money during the said trap. Shri O.P. Sharma was suspended and the case RC. 6A/91-SIU.IV of 1991 under section 7 and 13 of the Prevention of Corruption Act, 1988 was registered against him. The CBI completed this investigation and the officer was charge sheeted on 14.9.1992 in the competent court at Delhi. The case is pending trial. S.K. Jain is a witness in this case.

Having dealt with these two cases and having taken appropriate steps already to preserve all diaries and documents seized, the CBI continued enquiry in respect hawala and anti-corruption angles relating to diary entries. When there were allegations of the diaries and documents seized on 3.5.1995 having been hushed up, the CBI right then issued a clarification in August, 1993 that all diaries and documents were duly sealed and absolutely safe and the enquiry was in progress. The persistent allegation of hushing up, both in the media and elsewhere, were proved false when all these documents were brought to the Supreme Court's custody in late 1993. Inquiries were made both in India and abroad regarding the hawala transactions, as also to identify the names indicated in the diaries and the documents that had been seized.

Investigations led the CBI to the operations of hawala racketeers in India and abroad and efforts were made to expedite the investigation under FERA through Interpol and also through Diplomatic Channels. 'Lok out' notices for Shri S.K. Jain and Shri J.K. Jain were issued in September, 1993, in pursuance of which their presence was secured through the Immigration Authority of Delhi.

Their interrogation started in the middle of September, 1993 and continued. While the CBI continued its inquiries into the diaries etc. in October, 1993, a public interest writ petition was filed in the Supreme Court vide writ petition No. 340-343 of 93 by Sh. Vineet Narain, Editor of video magazine 'Kal Chakra' and others on the above subject which has been coming up for hearing regularly in the Supreme Court from December, 1993. The CBI has, through affidavits, reported the efforts and progress being made in this respect from time to time.

Consequent to the Supreme Court order dated 5.12.1994 for an early inquiry and suitable action as per law under the personal supervision of the Director, CBI, the investigation was speeded up. A special team consisting of a number of officers of CBI started collection

and scrutiny of various documents and since then the progress of the investigation gained momentum and has been regularly reported and over-seen by the Supreme Court of India. A preliminary inquiry was registered on 13.1.1995 after the scrutiny of all the information gathered till then. A report was forwarded to the Enforcement Director, New Delhi, Commissioner of Income Tax, New Delhi and the Principal Collector, Customs, New Delhi recommending prosecution and such action as deemed fit against the accused. The Directorate of Enforcement and Income Tax authorities have been taking suitable action for violation of FERA, 1973 and IT Act respectively. They have been reporting the progress of investigation to the Supreme Court since then and also acting in accordance with the direction of the Supreme Court. On 4.3.1995, the CBI registered RC.1(A)/95-ACU.VI under section 7 and 12 of the Prevention of Corruption Act, 1988 and section 56 read with 8(1) A of FERA, 1973 against Sh. S.K. Jain, N.K. Jain, B.R. Jain and some public servants. After registration of this case on 4.3.1995, J.K. Jain and S.K. Jain were taken into custody on 5.3.1995. The police remand was obtained upto 14.3.1995. They were then sent to judicial custody. They were, however, released on bail by the court on 16.3.1995. The statements of the accused and investigation made till then were brought to the notice of the Supreme Court at the next date of hearing i.e. on 27.3.1995.

As already brought to the notice of the Supreme Court, I would like to mention that the CBI made detailed investigations regarding diaries and all information available in the case. On the basis of the material gathered during investigation, two charge-sheets were submitted on 28.11.1995, six on 16.1.1996, three more on 23.1.1996, fourteen on 22.2.1996 and the latest having been filed on 4.3.1996. In the charge-sheeting of the persons, the CBI has acted independently, based on evidence available and in accordance with the guidelines of the Supreme Court and not of anybody from the Government.

In the conduct of investigations also, the CBI has been acting as per law and in accordance with the directions of the Supreme Court and no one else. The charge-sheets are filed against 39 persons and two firms. These contain details of investigation, evidence and the sections of law applicable in respect of those persons. It may be mentioned that the CBI filed charge-sheets only on admissible evidence collected and relevant to the sections of law and it has not gone by any other criteria. This is evident from the number of cases which are being filed which covers persons across political persuasions, bureaucrats and also some private persons. As such, it should be clear that the charge-sheets are based on admissible evidence alone and allegations of selectivity become totally irrelevant...*(Interruptions)*. It cannot be said, therefore, that any person against whom there is admissible evidence has been left out. These details would clearly indicate that right from the time of seizures of diaries, there have been various stages in the investigation.

There was no undue delay in the investigation or enquiries. The Members may appreciate that questions were raised in Parliament regarding this case on several occasions earlier before charge-sheets were filed and we have been providing replies giving the information available with the Government. The Members are also aware that apart from replies to questions in Parliament, it was also indicated that the Supreme Court was seized of the matter and was supervising the investigations. Under the circumstances, now that the charge-sheets are laid, the allegation of selectivity and delay are not, I believe, proper.

I am not in a position to go into the pros and cons of the charge-sheets or the details of the investigations since this is matter for the law courts to deal with. The information available has been placed before you in answer to the questions in this as well as in the earlier Parliament Sessions. The Supreme Court is overseeing the investigations and the CBI is regularly reporting to them the progress made by them in this case. Neither the Prime Minister nor the Department of Personnel and Training is involved in this. In fact, in no case does the Government go into the investigating process of the agency, nor are any reports called for from or sent by the CBI. In this connection I would like to reiterate the legal position that, though the superintendence of the agency rests with the Central Government, the superintendence does not include giving instructions or interference in the sphere of its statutory functions like investigations.

Members have raised questions about investigating officers having been moved out from the investigating team. I wish to categorically say what I had said before, as far as CBI is concerned, that no officer connected with the investigation of the case was moved out because of ulterior motive. In fact, the investigating officer in this case has remained the same throughout and the team has been strengthened both at the supervisory and investigating levels to be able to complete the investigations faster.

I would like to mention at this stage the background of the order dated 1.3.1996 about which so much has been said. On 1.3.1996, an application was moved on behalf of the petitioners of the Public Interest Litigation which draw attention of the court, and I repeat, which draw attention of the court, to certain media reports suggesting that the investigation by the CBI had been influenced by higher authorities who may have been directly interested in the probe. The petitioner prayed "that this Hon'ble Court as it has done in the past, should give such guidelines not only for this case but also general guidelines in similar cases arising in the future..." It was prayed therefore that "the CBI be asked to submit to the court in what manner it may be relieved of reporting to bureaucrats and the political executive and in what manner it should be freed and distanced from their control..." It was submitted on behalf of the CBI by the Solicitor General of India that it is not possible to go on answering and replying to newspaper reports. It was further submitted

that the allegations in the media reports regarding interference by the higher authority were not true and that as a matter of fact the CBI was not being influenced or controlled in the investigative process by any other authority. On matters pertaining to investigations in this case, the CBI was taking directions from the Supreme Court and no one else. It was pointed out what the CBI's position in this regard had been made clear in an official statement issued by the CBI earlier which was published in the media. The order dated 1.3.1996 was passed in the context outlined above, and lays down how the CBI should act in a situation such as the present. The order also notes that the mode of functioning of the CBI in the present case accords with the court's order. And goes on to state that no further directions in this behalf is necessary at this stage.

It has been suggested that Shri B.R. Jain travelled to Seoul with the Prime Minister in September 1993. I have already clarified this in the House and I reiterate what I have said, that Shri B.R. Jain did not travel with the Prime Minister on the Prime Minister's visit to the Republic of Korea in September, 1993. Shri B.R. Jain's name was not cleared by the PMO. Shri B.R. Jain was not part of the Prime Minister's entourage during the visit.

It is interesting to hear the suggestion now being made for an autonomous or independent CBI. The CBI has functioned since Independence and had handled some of the most sensitive and difficult cases in our history. No one has expressed any doubt about its impartiality and objectivity. We have been in the opposition when the Bofors, St. Kitts and several other cases were filed and handled by the V.P. Singh Government. The people who had claimed that they could identify the recipients of so-called commissions within 15 days through the CBI teams specially selected and deputed to different parts of the world, were unable to uncover anything. During their long 11 months tenure in Government... (Interruptions). I did not disturb you. If a Prime Minister were capable of directing and manipulating the investigations of the CBI, Mr. V.P. Singh should have been the one to be able to complete his pet investigations when the CBI was directly under his control. It therefore does not behove the members of the Opposition today, to say that the CBI can be manipulated at the will and the pleasure of the Prime Minister. The clear interpretation of the Supreme Court's order dated 1.3.1996 is nothing but an affirmation of what was reported by the Solicitor General on a briefing by the Director, CBI during the hearing of the petition moved in the Supreme Court in this regard. I may also mention that the Supreme Court had in an earlier order dated 18.4.1995 and I repeat dated 18.4.1995 while directing all concerned authorities to cooperate with and render full assistance to the CBI and Directorate of Enforcement had stated:

"It is clarified that in view of this direction made by us no further concurrence of any authority would be required by the CBI for this purpose."

The Supreme Court has also expressed its satisfaction

at the way in which the CBI has handled the investigation under their supervision... (Interruptions). I have got the order, I can give it to you.

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada) : It is your interpretation.

SHRIMATI MARGARET ALVA : Sir, my interpretation cannot be their interpretation. I can only give mine.

Economic offences are becoming more and more sophisticated and they transcend national boundaries and domestic laws. It has therefore become inevitable for the CBI to update the skills of its investigating officers as well as to acquire more sophisticated and modern equipment for its work. In fact, just the computerisation of the CBI officers and its information system has cost the exchequer Rs. 17 crore. This is being provided to them by none other than the Government with sanctions from Parliament. I am confident that the modern Academy set up for the CBI will provide the necessary inputs to deal with the new challenges of international crime. A special division has now been set up to deal with economic offences and the staff strength of the organisation has been increased in order to meet the basic needs of the organisation, which has responsibilities thrust on it in an ever increasing measure.

I must also point out that the Centre undertakes to substantially fund the special courts for trial of CBI cases. The response from the State Governments has however, been lukewarm. Tamil Nadu, for instance, has notified three courts in July 1995 but only one has been set up. West Bengal has notified one court on 8th March, 1995 but the matter has been kept pending by the State Government. In all 19 special courts are functioning in the country today, and yet the pendency of CBI cases stand at 5114 as on 31.12.1995.

It should now be clear to the hon. Members that the CBI has not at any stage tried to deliberately delay or hush up the investigations. Given the type of problems they faced in dealing with four separate aspects of law involved, viz. TADA, FERA, Income Tax and the Anti Corruption Act, they have to deal with them separately and scrutinise evidence under each of them.

The credibility and the efficiency of the CBI has been adversely commented upon by different speakers. While I do not claim that the CBI does not have its shortcomings, I must also say that the CBI does not have unlimited staff and resources.

Cases are transferred to them regularly by the Supreme Court, by the High Courts like yesterday, by the State Governments and the Central Government for investigations. Sensitive cases involving national security and international terrorism and handled by them, not to mention cases like the demolition of Babri Masjid, Bombay blast cases, the ISRO spy scandal, the Bank security scam, the Purulia arms dropping case, the Uttarakand cases, the Allahabad High Court violence, custodial deaths

and the assassination of our late Prime Minister Shri Rajiv Gandhi and the Chief Minister of Punjab Shri Beant Singh.

SHRI SRIKANTA JENA : What about St. Kitts?

SHRIMATI MARGARET ALVA : I have already mentioned that earlier. You are not listening. Each one of these cases has made severe demands on the CBI and its teams of investigating officers.

The second part of the Motion dealing with the No-Confidence Motion of 1993 and the role of JMM MPs has been clarified by all those who were named in the course of the debate. I must however ask Vajpayeeji how his party thought it fit to admit and encourage an MP who they claim was being bribed. I would also like to remind the trusting former JMM MP of the fate of friends like...*

MR. SPEAKER : Not allowed.

SHRIMATI MARGARET ALVA : Why, Sir? I have the newspaper here.

SHRI HARIN PATHAK (Ahmedabad) : You may ask Shri Arjun Singh as to why he has left the Congress and he will reply to it....(Interruptions)

SHRIMATI MARGARET ALVA : Okay, I am not quoting.

SHRI ARJUN SINGH (Satna) : It is not correct, Madam. I did not want to interrupt you, Madam. You have given a nice lecture. But one central question remains unattended to and unanswered. Would you, at the end of your statement, tell the House whether the Prime Minister is under investigation by the CBI or not?

SHRIMATI MARGARET ALVA : I can however reaffirm what the Prime Minister has made very clear, that he has not made any payments to the JMM MPs, a fact which the Leader of the JMM group himself has confirmed in Parliament.

Shri Syed Shahabuddin has made two very pertinent suggestions. One is that the assets of elected representatives at the time of their first election including that of their family members should be submitted and once again at the end of the tenure or before they seek re-election. I think this is a very valid and relevant suggestion which could be considered by Parliament. There has also been a suggestion for an Ethics Committee to be set up in each House to deal with complaints regarding the conduct of Members of Parliament. Perhaps, this could be given a serious thought so that a forum within Parliament is created to deal with complaints of impropriety on the part of the elected representatives of the people. How it is to be constituted, what its power should be and who should be its head, is a question which has to be worked out through consultations and consensus.

Much has been said in the Press, in the law courts and in political fora about the curse of corruption in the country. In fact, I was a little surprised to have Shri George Fernandes quote reports about the rating of India as one of the most corrupt countries. Sir, various countries look down upon the developing world and want to brand us all corrupt. I would like to know whether there is any country in the West, from where these magazines are coming, where there is no corruption and no charges of corruption against their top people. Let us not decide to condemn ourselves in the eyes of the world.

SHRI GEORGE FERNANDES : The only difference is that in America a President lost his job for telling a lie. Here, you can cheat the world and survive. That is the difference.

SHRIMATI MARGARET ALVA : We have adopted a democratic system with popular election as the method of choosing our law-makers. Funding of political parties and donations for elections have become a part of our system. The time has come when we, as Members of Parliament, must forget party differences and individual egos and put our heads together to find a solution to the problem rather than try to pull each other down.

After all, what is said in this House, the charges levelled whether true or false, and the denigration of the institution of Parliament through our acts and words has a tremendous impact on the common people. Are we going to strengthen the institutions of democracy or are we going to be instrumental in destroying the faith of the people in them? The Prime Minister has boldly asserted that the law will take its course. Let us not look for petty political gains with our eye on the coming elections. Let us look to the future and take necessary steps not only to guard and defend but to cleanse and strengthen the foundations of our democratic system.

In a matter like this, the Opposition parties may seek to score a point or two over the Government or over each other. There seems to be a sustained campaign of misinformation in certain quarters, possibly with political motives. The investigating agency has its limitations in contradicting all these allegations being hurled or distorted or manipulated, as this would mean revealing the details of investigation, thus compromising the interests of the prosecution while the cases are *sub judice*.

Finally, I come to the question that is being raised by responsible citizens in the country today and that is the constitutional provisions for the Separation of Powers. We have a system by which the legislature, the executive and the judiciary play their own roles and maintain certain checks and balances to ensure that any one of them does not usurp the powers and the functions of the others. Parliament and the Presiding Officers of the two Houses have strictly enforced this principle. We all know that there are aberrations in every institution. None of us can say that any one of these fora created by the Constitution

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is beyond reproach. They all function as human institutions with their strengths and their weakness, with their positive and their negative qualities. I think that the time has come for this House to look at this issue with the seriousness it deserves. Governments may come and go. Political parties may sit in Government or in Opposition; but Parliament and the Constitution stay. Unless the three wings of our System function in harmony and mutual respect, I believe the democratic foundations of the Indian State are going to be weakened. This concern has been expressed also by the Hon. Speaker in this statement yesterday. I would, therefore, appeal to the Members to rise above narrow differences and think about corrective measures that are needed to make Parliament what it is meant to be, the central point of the people's will and its expression in a democratic state.

But please do not forget that we in this House individually and collectively will influence the course of Indian Democracy. Let us not be found wanting. Let it never be said that we faltered in our duty...*(Interruptions)*

SHRI SRIKANTA JENA : I want only one clarification.

SHRI SOMNATH CHATTERJEE : Many more questions are left unanswered.

SHRI ARJUN SINGH : We are not here to hear a lecture on how CBI should or should not function. No one has made any charge against the CBI. No one has said that they should not do what they are required to do. The only question we want to ask is germane and central to the entire issue. It is kind of the hon. Prime Minister to condescend to come and be present in this House. He has said that Madam Margaret Alva will reply to the debate. She has failed to reply. I now ask the hon. Prime Minister to tell us whether he is under investigation by the CBI or not...*(Interruptions)*

SHRI SRINANTA JENA : We want only one question to be answered. We just want to know whether Prime Minister is being investigated by the CBI or not. This is the only question we want to know.

SHRI ARJUN SINGH : Till now we knew that this Parliament is sovereign.

Today, we are knowing that the Prime Minister is sovereign above this Parliament; he does not want to answer anyone; he does not want to inform anyone and discharge his responsibility as Prime Minister...*(Interruptions)*

SHRI SRIKANTA JENA : I would request the hon. Prime Minister to clarify this point...*(Interruptions)* Sir, we request the hon. Prime Minister to clarify only one point. Only one pointed question was asked whether the Prime Minister is involved or not...*(Interruptions)* Why do you not answer this question? The Prime Minister is here. He can say either 'yes' or 'no'...*(Interruptions)*

SHRI INDRAJIT GUPTA : Mr. Speaker, Sir, the whole thrust of our contentions in this debate and the whole

thrust of - of course, you had not permitted it - the amendment that we wanted to move was focussed on one single point. If the hon. Prime Minister is under investigation...*(Interruptions)*. If the hon. Prime Minister is under investigation then Parliamentary propriety demands that he should step down and permit that inquiry, investigation to be carried on without any prejudice, without fear or favour. That is the question on which we want clarification. These people's shouting will not do because they are not the Prime Minister...*(Interruptions)* Either the Minister incharge has to reply. She has avoided this question, avoided to answer this question which was very pointedly put by Shri Arjun Singh. She has nothing to say on it. But since the Prime Minister himself is here, he is in a position to clarify this question and settle our doubt.

SHRIMATI MARGARET ALVA : The CBI does not inform us of their investigation...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Sir, the hon. Minister of State for Personnel, Public Grievances and Pensions was expected to answer to the debate that had taken place. Many important questions apart from what has already been put were not answered...*(Interruptions)* Sir, is he the Speaker *pro tem*?...*(Interruptions)* Are you the Speaker? Five-year period is not adequate to teach them! *Nomination mileage.*

SHRI INDRAJIT GUPTA : Sir, one small point on fact. I would like the hon. Minister to clarify. She made a detailed statement of how the CBI investigations proceeded in the beginning. In that, she mentioned four or five names of people who had been arrested and who had been found to be operating as conduits or as agents of these terrorist outfits operating in Kashmir and so on. Among those names, if I am not wrong, she had mentioned one name, that is, Dr. Mohammad Ayub Thakur. I would like to ask her, because I would like to know, why this Dr. Mohammad Ayub Thakur was allowed to leave the country and to proceed to London where he has been functioning as a self-appointed President of a Kashmir Liberation Committee, collecting funds, sending those funds to India and so on. About this part of the CBI's performance, she has not said a single word. She only mentioned this name but did not tell this House what has happened to this chap later on and why he was allowed to go away and do all this propaganda in England and collect funds in England in the name of a Kashmir Freedom Committee.

SHRI SOMNATH CHATTERJEE : Apart from those questions. I reiterate particularly whether the Prime Minister is under investigation or not...*(Interruptions)*

SOME HON. MEMBERS : No

SHRI SOMNATH CHATTERJEE : I would like to know one thing. Obviously, the hon. Minister of State concealed more than she has divulged.

Very pertinent questions were there. One of the main questions was about the delay which has been severely commented upon by the hon. Supreme Court. It is not

correct on the part of the Minister to say that there was no comment or remark by the Supreme Court about the lethargy, may be a simulated lethargy on the part of the CBI. It says : Do you have to change the investigating agency? Shall we appoint any independent agency as only small fishes are caught and big fishes are not caught? The Supreme Court has repeatedly made so many observations and you say, 'no comment was made.' I would like to know what is your explanation. You have studiously avoided that. From 1991 when these discoveries were made till 1995 until the Supreme Court directed, why was no action taken against anybody? Secondly, when did the hon. Prime Minister come to know that some of his colleagues are also alleged to be involved in this? How did he come to know? When did he come to know? What steps did he take all these years and all these months? If the Ministers are involved in these allegations, I am not saying whether they are in fact, guilty or not, because this is subject to proof, if these were suspicions of the CBI, when did they first get that impression? When did they first start the investigation against them? It is because when they came to know that so many Ministers resigned, the leave was asked for from the Government to proceed against them, to file charge-sheets against them. And before that, there must have been elaborate enquiry. Elaborate enquiry must have been made. Is it the case of the hon. Minister of State that until 16th January or whatever is the date, when they asked for leave to file a charge-sheet against them, till that day, did the Prime Minister not know that his colleagues were being considered to be a party to all these things? Is it possible that seven or eight Ministers have gone and nobody knew about them in the administration, nobody knew in the Ministry, nobody knew in the Department or in the PMO? On these aspects, not one word has been said. I repeatedly raised these questions, trying to underline the importance of that. These are very very serious matters. We have heard sermons. I wish it had been only addressed to you, to your people. You should have looked at that side rather than looking at this side. The sermon is all right. But who was to practise that? You are in power. What was the hon. Leader of the House and Leader of the Government doing all these years...*(Interruptions)*

SHRI VIJAY NAVAL PATIL (Erandol) : The benefit of doubt is there to the entire investigation. Even Mr. Khurana says that investigation has to be there. He is expressing doubts till today...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Is his nomination pucca?...*(Interruptions)*

Therefore, through you, I would like to know when did these things happen. When did these things come to the notice of the Prime Minister? It is being solemnly said that during these four years from 1991 to 1995, until the Supreme Court has approached the hon. Prime Minister, he did not know of anything that was happening in the *hawala* investigation by the CBI. Did the hon. Minister of State not know about what was happening on this? If you

say you did not know, then you should walk out immediately in good faith and send your resignation. That is what we are asking the Prime Minister to do.

There is another very important issue on which nothing has been said She has given the interpretation on the 1st March order.

Sir, we wanted to know, is there anybody in the Government today - after the 1st March Order - who is answerable to this House on behalf of the CBI, regarding Hawala case? Again, we have to repeat this question, namely, is the hon. Prime Minister himself also under investigation or not? These are the important questions and we want reply...*(Interruptions)*

SHRI RAM NAIK (Bombay North) : Sir, I am on a point of order.

MR. SPEAKER : I had called your name...*(Interruptions)*

MR. SPEAKER : I had called your name and probably, you were contemplating something.

SHRI RAM NAIK : Sir, the Minister has said. Now, I want to know, whether the Leader of the Opposition who has moved the Motion will reply first or the reply will come from there. What is the procedure?

MR. SPEAKER : I have called the name of the Leader of the Opposition but then he was contemplating on certain things. Now, he can do it.

SHRI ARJUN SINGH : Sir, with your kind permission I appeal to you. You are the Presiding Officer of the House, you are the Speaker of this House and we seek your protection. What kind of legacy are you going to leave behind?...*(Interruptions)*...Please see that our questions are answered. I am asking you. Sir, as the Presiding Officer of this sovereign Parliament...*(Interruptions)*

[Translation]

SHRI ATAL BIHARI VAJPAYEE : Tell me, how shall I speak?

[English]

MR. SPEAKER : This is exactly the point...*(Interruptions)*

MR. SPEAKER : Please take your seats ..
..*(Interruptions)*

SHRI BASUDEB ACHARIA : Mr. Speaker, Sir, our question was, whether the Prime Minister is under investigation or not. She is not replying, the Prime Minister is not replying. If she is not in a position to reply, the Prime Minister should reply ...*(Interruptions)*

MR. SPEAKER : Please, take your seats
...*(Interruptions)*

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SHRI RUPCHAND PAL : There was delay for more than four years. Upto 15th January, 1996 - from the record which was seized by the CBI and the chargesheets were filed - the same offenders were allowed to be away from here to Hongkong and the CBI had been allowing them to contact upto 15th of January. This was allowed by the Prime Minister who is the Incharge of the CBI Let the Minister reply on it...(Interruptions)

SHRI SRIKANTA JENA : Sir, we have not raised any question excepting one and that is, whether or not the Prime Minister is also under investigation. It should be clarified...(Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, the Prime Minister is remaining 'Mauni'. He has kept to his tradition of being a 'Maun' on such a vital matter which shows that he is 'self-confessed guilty'...(Interruptions)

So, we are walking out in protest.

18.49 hrs.

(At this stage, Shri Somath Chatterjee and some other hon. Members left the House)

SHRI SRIKANTA JENA : It shows that the Prime Minister is under investigation by the CBI...(Interruptions)... Therefore, in protest we are walking out.

18.50 hrs.

(At this stage, Shri Srikanta Jena and some other hon. Members left the House)

SHRI SOBHANADREESWARA RAO VADDE : Sir, what is the use of having discussion in this House...(Interruptions)

SHRI INDRAJIT GUPTA : Mr. Speaker, Sir, the Prime Minister has not replied to this simple question...(Interruptions)

...(Interruptions). . .

SHRI INDRAJIT GUPTA (Midnapore) : This amounts to contempt of the House and I think, we have to walk out in protest...(Interruptions)

18.51½ hrs.

(At this stage, Shri Indrajit Gupta and some other hon. Members left the House)

...(Interruptions). . .

SHRI SOBHANADREESWARA RAO VADE : He has not clarified, he has not come out with the truth. We are walking out in protest against this irresponsible behaviour...(Interruptions)

18.51½ hrs.

(At this stage, Shri Sobhanadreeswara Rao Vaade and

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some other hon. Members left the House)

...(Interruptions)

MR. SPEAKER : Yes, Vajpayeeji...(Interruptions)

[Translation]

SHRI CHANDRA SHEKHAR : Mr. Speaker, Sir, through you, I would only like to ask the hon. Prime Minister as to why did he come to the House if he had to keep mum?

[English]

THE PRIME MINISTER (SHRI P.V. NARASIMHA RAO): Who can forbid me from coming to the House?...(Interruptions)

SHRI CHANDRA SHEKHAR (Ballia) : Let me complete my sentence. If he came here and a persistent question is being asked, it is his duty and responsibility to this Parliament and to the people of this country that he answered that question...(Interruptions)

[Translation]

SHRI CHANDRA SHEKHAR : That makes no difference.

[English]

And Mr. Speaker, Sir, I tell you that his silence will be misrepresented not only in this country, but all over the world. This will be the only example in the history of Parliamentary democracy where the Prime Minister is being charged, again and again, and while sitting here, he is not having the courtesy and courage to stand up and say a word...(Interruptions) You want the answer for that? If the Speaker allows, I am ready to reply. Mr. Speaker, Sir, I have been hearing for the last five years. I have not said a word about that during this five year period. Do you want that I should tell the whole story here? I have taken a vow not to say a word of what I have known as the Prime Minister of this country. Do not do this. I am not like others. I can be very inconvenient. Mr. Speaker, Sir, if I begin to speak, it will be very inconvenient.

[Translation]

SHRI ATAL BIHARI VAJPAYEE : I rise to give reply to the debate set in motion by the resolution moved by me but who is going to reply to the questions raised by me during the course of my reply?

Some pertinent questions were raised during this debate. We expected Shrimati Margaret Alva to give a satisfactory reply to all those questions on behalf of the Government.

My resolution has two parts - one related to Hawala scandal and the alleged kickbacks to the Member of this House, contained in Part II of my resolution. I would like to take up Part II first. How did Shrimati Alva reply to

them? She did not even affirm that the Government was inquiring into this whole episode as to how and why come such huge amounts of money get deposited into the bank accounts of some Members of this House with the signature of a single person?

It is irrelevant to this debate as to what happened in Karnataka and which Alva defected from our party?

SHRIMATI MARGARET ALVA : He had come to you and they will also come to you.

SHRI ATAL BIHARI VAJPAYEE : Should we talk about the political parties? Shall I say what is the condition of the Congress party? That is not an issue of debate. Such a grave incident took place and at the end of her speech she appealed that we should rise above party lines. She gave an illustration and said that we should huddle our heads together to decide country's future. I agree with her and this Hawala scandal has stirred our public life. It is a matter of concern as well as warning. A very ugly face of the evils and vices we have steadily allowed to permeate into our public life and our system over the decades has raised itself in the shape of Hawala scandal, involving corrupt industrialists, corrupt politicians and corrupt bureaucrats. This, however, does not imply that all the industrialists are corrupt and all politicians unauthentic. There are many good, efficient, honest bureaucrats who perform their duty with full responsibility. But a triangle, a trinity has emerged. Excess of 'Vata' (Gas), 'Pita' (Bile) and 'Cough' lead to disease in human body. I had thought that we could discuss this Hawala issue threadbare with the treasury benches in this post-Hawala session of Lok Sabha and Shri Chandra Shekhar stands witness to the fact that when this scandal came to light, we pondered over where the country was being led to? There will be allegations and counter-allegations. The offenders will be placed in the dock and those who cannot be will have to face the popular on slaughter. They will be accountable to the people during the hustings.

You might recall, Mr. Speaker, Sir, my meeting with you on the eve of Lok Sabha session when I insisted on discussing more comprehensive issues, rather the one of how to run the House peacefully. I, alongwith Chandra Shekhar ji had called upon the hon. Vice President and I was told that he in turn had talked to the hon. Prime Minister. What was the outcome? Shall we go back to our respective constituencies with this Hawala slur? Shall elections be contested this time with the help of black money again?

Mr. Speaker, Sir, it has been said for long that electoral reforms are in the offing. The Dinesh Goswami Committee, having Congress Members also, gave significant recommendations which could be amended to suit present time but the matter has been kept in Limbo. What fate did Lok Pal Bill meet? The issue of dispute was to bring the Prime Minister under its purview. The Prime Minister may or may not be brought under the purview of Lok Pal but he has come under the purview of apprehensions and allegations.

SHRI P.V.NARASIMHA RAO : That was never a matter of dispute. I have repeatedly said, once, twice and even thrice that I am ready and have no objection if the Prime Minister is brought under its purview...(Interruptions)

SHRI ATAL BIHAR VAJPAYEE : The hon. Prime Minister is referring to the last five years whereas I am talking of past 20 years. I am a Member of Parliament since 1957. I was a Member of the Select Committee related to Lok Pal but that Committee was not allowed to complete its task. It was dissolved and a new Committee constituted. That was also faced with the question of bringing the Prime Minister under its purview. The hon. Prime Minister says he is ready, yet the Bill did not come up for consideration...(Interruptions)

SHRI P.V. NARASIMHA RAO : Look, you can definitely go into the reasons behind not bringing forward that Bill but I may tell you that this is not the lone and sole reason because I have favoured bringing the Prime Minister under its purview. How did that reason hinder it?...(Interruptions)

SHRI GHULAM NABI AZAD : The Bill could not be brought forward because the proceedings of Parliament were settled...(Interruptions)

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, the fact remains that the present system of elections encourages corruption and this system was not altered because the ruling party is keenly interested in a *status quo* in this corrupt system. Still, no concrete symptoms of change are discernable. There can be no objection if everything is to be postponed till elections. But, then, Margarete ji should not have tried to issue sermons to us at the end of her speech. In that case, we should be ready to take stringent measures while talking about reforms and even be ready for an overhaul of the system if need be. Just now, my friend said that elections alone did not give way to corruption. It may be true but what about the rising electoral expenses? Where from does the money come and what favours do the donators want in return? Earlier donations were accepted on the eve of elections only. Today they are being accepted throughout the term of five years. This is the progress we have made...(Interruptions) Going by the logic against corruption that it is a political donation for political parties, the political activists have developed a vested interest in contesting elections, whether they win or lose. They will get the money and save it too. Contesting elections has become a vocation, a disease. Earlier donations were monitored.

AN HON. MEMBER : It may be true of your party.

SHRI ATAL BIHAR VAJPAYEE : Don't say so...(Interruptions) Mr. Speaker, Sir, political corruption is directly related to ever increasing electoral expenses.

I am talking of political corruption. Economic corruption is a different thing. It is a crime. Under invoicing and over invoicing are taking place over the years. Even economy was helpful in it to some extent but now liberalisation is taking place. We are talking about transparency. How

can transparency and corruption exist altogether? But everything is going on. Shri Jain has accepted in his statement that he was hopeful of getting some share in the matter of Dulhasti project contract. That is why he gave money. He has also accepted that he had given Rs. 3 crore in 1991 as he was to get a contract regarding modernisation of Rourkela Steel Plant. Now industrialisation will take place, new industries will come up. Fast Track Power Projects are being set up. It's a matter of crores of rupees. During Pandit Jawahar Lal Nehru's period a Minister had to quit the Government for just providing Rs. 15 thousand to a MLA to contest elections from Uttar Pradesh. What to speak of Rs. 15 thousand even no account is maintained for Rs. 15 thousand crore. Should this matter not be considered seriously? Now international companies are coming in the country and this danger is even going to increase. Whether everything is for sale? Are we waiting for any buyer? Whatever has been revealed by Shri Jain should be enquired into. I do not know as to whether any inquiry has been made in this regard or not. Whether Rourkela Steel Plant was to be modernised? The documents pertaining to Rourkela can better tell it. If Rourkela Steel Plant was actually in the process of modernisation and Jain was hopeful to get its contract then it is confirmed that he has given Rs. 3 crore. Who will corroborate it? If name of the Prime Minister comes under a cloud then who, in CBI can dare to confirm it. I am not disclosing any secret. I feel sad to say that an allegation was levelled on a CBI Officer for giving report only because one of his relatives is associated with Bhartiya Janta Party in Bihar. On one hand, you are praising CBI but on the other, you are levelling an allegation on a CBI Officer who cannot give reply in this House. But those who have made an allegation against CBI Officer should know that only one Officer has not recorded the statement given by Shri Jain. It was a full team comprising Director, Deputy Director and Joint Director Shri B.R. Lal. Shri M.P. Singh was also included in the team. Only Amod Kanth was not included in the team. The entire team had interrogated Shri Jain. Shri Jain's statement was recorded and it was signed by Shri M.P. Singh not by Shri Amod Kanth. In spite of that Shri Amod Kanth was pulled up for how he dared...*(Interruptions)*

SHRIMATI MARGARET ALVA : Sir, my submission is that no one among us has pulled up anybody. He is free to say anything.

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : I did not say that you have called and pulled him up.

[English]

SHRIMATI MARGARET ALVA : Your statement should be responsible statement.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: How can you give such a statement on behalf of the entire CBI. What do you

know? I am bringing this incident into your notice and you are not even saying that you would get it enquired. You should at least assure this House to make an inquiry in this regard. I do not say anything without any ground. Never...*(Interruptions)* I know that I am levelling a serious allegation. But you have given such a certificate to the CBI. Is this not a way to influence CBI which is conducting an inquiry into this matter? And if CBI was doing its job properly.

(Interruptions)

[English]

Sir, I am not yielding.

MR. SPEAKER : Yes, you are right...*(Interruptions)*

SHRIMATI MARGARET ALVA : When the officer went back to Delhi Administration, you kept him without a post for four months in Delhi. You did not give him a post. And now charge us. This is not fair.

SHRI CHANDRA SHEKHAR : If a particular officer is accused in this House and the hon. State Minister did not defend that officer today, she should not feel so touchy when Atalji is mentioning his name today. Why did you not raise objection when your Members were accusing a particular member of the CBI to be associated with the BJP leader?...*(Interruptions)*. There was no reason. Mr. Speaker, Sir, is it proper that the CBI officer is accused by the ruling party and the Minister, at that time, kept quiet? She did not consider it her responsibility to defend that particular officer that day. If Atalji is mentioning his name today, she is feeling very touchy. They are maintaining this standard.

[Translation]

SHRI ATAL BIHARI VAJPAYEE : Their Members have said so and it is mentioned in the proceeding.

Mr. Speaker, Sir, after all, what had compelled the Supreme Court to issue the recent directions? If the organisation like C.B.I. which had a clean image and the way it was handling the hawala scam, no one could dare to raise a finger on it then how is it that Supreme Court has issued such directions? But here the Supreme Court has to issue directions and the sum and substance of these directions is that there should not be only doubt about the functioning of the C.B.I.

Mr. Speaker, Sir, this question has been asked again and again and if I will also ask it then it is imminent that there will be uproar in the House. After all, the name of the Prime Minister has figured in the Jain's statement. A mention has also been made in the statement that money has been given to him...*(Interruptions)* Such allegations are made in the Jain's diary...*(Interruptions)* It is correct that he has given an affidavit...*(Interruptions)* It is also asked that the name of the Prime Minister does not figure in the diary.

Motion Re: Expression of dissatisfaction at Government's failure to answer charges relating to the 'Hawala Case' and to allegations about illegal pay-offs

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SHRI PAWAN KUMAR BANSAL : He has not given such an affidavit...*(Interruptions)*

[English]

MR. SPEAKER : This is not correct. Let him have his say.

[Translation]

SHRI ATAL BIHARI VAJPAYEE : The C.B.I. had seized the diaries. Besides diaries, we have some confessional statements of the Prime accused given in this regard. How significant these are now but it is true that you have taken action against other Members only on the basis of this statement.

Another reason for that has been stated that his statement has been corroborated, the names appearing in the diary were also corroborated. Whether the name of the Prime Minister has also been corroborated? Advani's driver and his P.A. were interrogated but was the Prime Minister's P.A. also interrogated? Whether the Prime Minister's Secretariat had also been inquired in to? ...*(Interruptions)*

The Jain's statement reveals some more things. It has even the names of the Ministers and the names of those persons who are not Minister are also mentioned in it. Has any inquiry been made against them?...*(Interruptions)*

[English]

MR. SPEAKER : It is not good interrupting every time. You are not allowed to interrupt under any rule.

[Translation]

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker Sir, I would like to have a reply to all these questions. If you will not reply here then we will definitely move to the people's court to seek reply. Why are you hesitating in giving reply?

I want to repeat a question which was once asked here. If you see dates, you will find that these dates have already been mentioned and as per those dates these diaries were seized during the month of May, 1991. The Government of Shri P.V. Narasimha Rao was constituted even after that. By virtue of his being the Prime Minister, C.B.I. was functioning under his command. At that time Shrimati Margaret Alva was assisting him. I want to know as to whether Shrimati Margaret Alva or the C.B.I. Officers did not bring these diaries into the notice of the Prime Minister? Had the Prime Minister been kept in the dark about such a big incident?

And if he was not kept in the dark and he had a knowledge of these diaries then how the Members of Congress Party whose names appear in these diaries, were included in the Cabinet? The hawala tainted Ministers continued to hold Office. Had the Supreme

Court not taken this case in its hand and this issue not been raised in the Public interest litigation, it would not have made public. After all, what was being done for last two years? I want his reply in this regard. Action has been taken on the basis of Jain's diary. One Minister was included in the Cabinet just before a few days. I do not want to disclose his name. He had to resign afterwards as he was chargesheeted. I want to ask as to why he was included in the Cabinet? Had the Prime Minister no knowledge about him? Had the Prime Minister ponder over it...

[English]

SHRI P.V. NARSIMHA RAO : Please sit down for a minute. Sir, my colleague has already stated that in no investigation undertaken by the CBI any report sent to the Government nor is called for by the Government, that means the PMO; that means Mrs. Margaret Alva, about whatever has been happening. In any case, you can ransack my office. You can ask the Prime Ministers who were there before me whether they got any report or they called for any report from the CBI in any investigation. I would like to know this. At least, I have made enquiries in the PMO. There is not a single shred of paper which says that in such an investigation such thing has happened. There has never been any reporting.

Sir, that is the position.

[Translation]

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : We have even heard from the Prime Minister himself in this very house that he will try to ascertain the truth with regard to the Bofors case by monitoring the case on the day today basis. But what happened? This too is pending with the C.B.I. whether the hon. Prime Minister is saying that he never knew the involvement of those Ministers in the Hawala Scandal at the time of their induction in the Council of Ministers? He had no knowledge about this.

SHRI P.V. NARSIMHA RAO : Leave aside the matter of awareness. We have not yet developed a system through which I could have asked for police verification of Ministers before their induction into the Council of Ministers.

SHRI ATAL BIHARI VAJPAYEE : This is not the question of police record. If a person is inducted into the Council of Minister, then definitely the antecedents of such people is required to be verified.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SANTOSH MOHAN DEV) : What about Shri Madan Lal Khurana?

[Translation]

SHRI MANI SHANKAR AIYAR : Please spell out

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PHALGUNA 22, 1917 (Saka)

Motion Re: Expression of dissatisfaction at the government's failure to answer charges relating to the 'Hawala Case' and to allegations about illegal pay-offs

whether Advani ji has deposited 60 lakhs rupees or not...*(Interruptions)*

election of Rajya Sabha in Maharashtra. You call them...*(Interruptions)*

SHRI ATAL BIHAR VAJPAYEE : Mr. Speaker, Sir, Shri Santosh Mohan Devji has been mentioning Madan Lal Khurana's name. Shri Khurana ji is not present in this House...*(Interruptions)* Listen to me, I am ready to reply. Mr. Khuranaji has been charged with taking Rs. 3 lakhs. Khurana ji has been alleged to have taken money at a time when he was not even an M.L.A. He was a member of Metropolitan Council, therefore, the question of his being a Minister does not arise...*(Interruptions)*

[English]

SHRI RAM KAPSE (Thane) : Mr. Speaker Sir, this needs to be expunged from the record.

MR. SPEAKER : I will look into it. If it is to be deleted, it will be deleted; if it is not to be deleted, it will not be deleted.

[Translation]

But you have filed charge-sheets and thereby you have proved that you have charge-sheeted only the selected a few or the targetted persons and you have done this meticulously...*(Interruptions)*

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, I am lost in replying to Margret Alva only and a women is standing and keeps speaking on...*(Interruptions)*

Once hon. Prime Minister had referred to a story from Panchtantara. He had said :

SHRIMATI BHAVNA CHIKHLIYA (Junagarh) : Mr. Speaker, Sir, she is speaking in the middle of her speech only...*(Interruptions)*

"Sarvnashe Smutpann Ardham Jadhavi Pandita"

When Prime Minister saw that the election is round the corner, everything is likely to go, the he made half of them a sacrificial lamb...*(Interruptions)* I am seeing there who have been made sacrificial lambs, but hon. Prime Minister does know the entire story. Here Panditji had thought that half would be saved provided half others are made sacrificial lambs, then what happened that all has come to untimely and that person has been slashed completely. Thus he is no more and Panchantantra envisages lessons to be taken from such Pandits.

SHRIMATI SURYAKANTA PATIL : I have got my right and that is why I am asking. You will take time in understanding it. Therefore, you sit down...*(Interruptions)*

I do not know what is going to happen, but Mr. Speaker, Sir, today is the last day of the 10th Lok Sabha. Now we will fight the electoral battle. The battle will be fought in a democratic way...*(Interruptions)* Whether there is any objection to it, but the people will loose their faith in this democracy which now came to be turning in to a means to acquire wealth and for this we all politicians will blame you only and you will blame me only and the world will blame us only and bring us into the dock. Therefore, when a judge speaks against us, we feel hurt. The House goes on and when remarks are made against it then we take it otherwise. The work that the Parliament should do, is being done by the Supreme Court. I am not passing any comments on the Supreme Court and the work that the Government is doing is being done by the C.B.I. Where we are headed to?

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, I feel very sorry that our colleague is not present in the House. If you had accepted his amendment, that he would have got a cause to be in the House. Perhaps he does not want to note my motion...*(Interruptions)*. This may be. But Mr Prime Minister had nor heard the suggestion given by Shri George Fernandes while concluding his speech. It was not possible for Margret ji to reply about the suggestion. She was reading her statement. But Mr. George Fernandes had given a concrete and serious suggestion. We hoped that the law would take its own cause before the Session of Parliament begins. Those who are culprit will be punished. But whether shortcomings of this system are not a challenge to us? Whether we should not think about it, or do something about it...*(Interruptions)*

[English]

MR. SPEAKER : Why are you interrupting please?

AN HON. MEMBER : No repetition, please.

MR. SPEAKER : You also neglect unnecessary interruptions.

[Translation]

Mr. Speaker Sir, we will have to take this country into right direction and there is only one method to bring it in right direction that we will have to deal with corruption strictly, we will have to be cruel, we will have to be ready to sacrifice even the big people...*(Interruptions)*

SHRI ATAL BIHARI VAJPAYEE : Now I may say... Binash kale bapreet buddhi'. Still time is there, the election system should be reformed. I do not say that the corruption will be eliminated, the country will be free of it and attain the inviolability. But those who do not want to contest with black money, it will not be compulsory for them. How to reduce election expenditure? How to check the abuse of Doordarshan? When we open television we find Prime Minister headed towards Sun

Even today, Prime Minister's emaginic silence is unpalatable to everybody...*(Interruptions)*

SHRIMATI SURYA KANTA PATIL (Nanded) . You see what happened in Maharashtra. What happened in the

everyday. You may go towards Sun in the broad day light, but you need a sun...(Interruptions)... This is the battle between equals...(Interruptions). What is the method? You should give time to all political parties. There is a way to reduce election expenditure. The election Commission may organize meetings and may evolve a solution. We distribute leaflets. A way out could be explored for distributing leaflets. The expenditure could be reduced.

Hawala should be a jolt. Buta Singh ji you have suffered a jolt...(Interruptions) By jolt I mean we should suffer a setback and if anything comes good out of it, then it is like good emerging out of bad

[English]

SHRI P.V. NARSIMHA RAO : I would like to submit to the House that I was not here when Mr. Fernandes was speaking. I would certainly go through his speech and if there anything by way of a solid suggestion or suggestions which can be looked into and appropriate decisions can be taken within the time available, I will certainly go through it and do so, Sir. Government's willingness I am trying to signify.

[Translation]

SHRI MOHAN RAWALE : Mr. Speaker, Sir, I want to speak about the certificate, you have given to CBI...(Interruptions)

[English]

MR. SPEAKER : This is not going on record.* (Interruptions)

MR. SPEAKER : This is not going on record...(Interruptions)*

[Translation]

SHRI JASWANT SINGH : Mr. Speaker, Sir, the House will work as per your order irrespective of whether it comes into record or not. There is a question that boggles the House and my friends also. Really we want that a clarification should be given in this regard. This was a direction to both the Houses which are afflicted.

The question itself is easy but the answer I know is some what difficult though it can be given in 'Yes' or 'No' also. The question is, whether any enquiry is being conducted against the Prime Minister or not? We want reply to this question only and if an enquiry is being conducted against the Prime Minister (Interruptions)

SHRI PHOOL CHAND VERMA (Shajapur) : Mr. Prime Minister, whether C.B.I. is conducting any enquiry against you or not?

[English]

SHRI P.V. NARASIMHA RAO : I did not want to enter into this. But one answer, a single sentenced answer is: "That is the question to put to the CBI" (Interruptions)

SHRI JASWANT SINGH : Mr. Speaker, Sir, this was precisely the point that had been discussed with you there, a point that was raised by hon. Shri Chandra Shekhar, a point referred to by Shri Vajpayee, and other speakers who were here and who have had to walk out. This was precisely the question that agitated both Houses. If the CBI is not under the control as per the Supreme Court's directive, then who is going to answer substantive questions? It disappoints me. It disappoints me greatly that out of convenience, the Prime Minister now takes shelter about the CBI's unapproachability in spite of the hon. Minister of State's long sermon what the CBI is. This is a very unsatisfactory response. It is nothing else but a cover-up.

MR. SPEAKER : You are making one more speech.

SHRI JASWANT SINGH (Chittorgarh) : I am not making a speech. If what we have said for all these days is to come down into this one sentence by the Prime Minister that "This is a question to be asked to the CBI" is highly an unsatisfactory answer. I am sorry for that. (Interruptions)

[Translation]

SHRI CHANDRA SHEKHAR : Mr. Speaker, Sir, I beg pardon of you and the hon. Prime Minister. That is why I had said in the beginning that he should not have come. I did not have any feeling of disregard for him. He may not reply to the question raised by Mr. Jaswant Singh here in the House but this question will arise in everyone's mind. The basic question, which arises is that if the hon. Prime Minister says that the question should be asked from the C.B.I. then I would like to submit that neither the leader of the Opposition nor I have any right to enquire it from the C.B.I. Therefore, the question arises as to who is accountable to Parliament in so far as C.B.I. is concerned? I would like to submit that I do not want that a reply in this regard should be given by the hon. Prime Minister but the thing is that a complex situation has come up.

Secondly, my submission to Atal ji is that, if I am wrong, I beg his pardon, but it appears from his speech that the hon. Ministers who have resigned from the cabinet or against whom charges have been levelled are certainly guilty.

SHRI ATAL BIHARI VAJPAYEE : It is not so.

SHRI CHANDRA SHEKHAR : It is good, if it is not so...(Interruptions) I will speak as I understand the situation. He has asked whether an enquiry was made about their antecedents or not? Our impression about

their honesty and genetlmenliness should not fade, whether they belong to the treasury benches or the Opposition parties as long as the charges against them are not proved. It is all right, if the Prime Minister does not come to the House but once he has come, then he should not have kept silent.

[English]

SHRI P.V. NARASIMHA RAO : Sir, this is too tall an order to obey or to concede. The point is, I have said that his question has to be addressed to the C.B.I. I did not ask the House or the Member to address it. How it is to be asked from the CBI is a matter which we have to decide. We have to examine it and decide.

SHRI JASWANT SINGH : What is the factual position?

SHRI P.V. NARASIMHA RAO : The position is, we have no communication with CBI, as I have just informed the House, on any content of investigation...*(Interruptions)* This is very clear. Normally, when we want information we get it by writing to the CBI. But in this case, after this case has become *subjudice*, we have not asked for even the normal things that we have from the CBI, we have to suspend. If there is any other method of getting information in regard to this question, that we will examine and after getting the information we will certainly send it to the hon. Members...*(Interruptions)*

[Translation]

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, the reply is not satisfactory...*(Interruptions)* The simple question is whether the C.B.I. has interrogated the Prime Minister after an affidavit was made and a statement was given by Mr. Jain in which he levelled charges against him.

[English]

SHRI P.V. NARASIMHA RAO : I cannot give any details because I do not have the details of the investigation...*(Interruptions)*

[Translation]

SHRI ATAL BIHARI VAJPAYEE : As we are not satisfied with the reply of the hon. Prime Minister, we stage a walk-out in protest.

19.37 hrs.

(At this stage Shri Atal Bihari Vajpayee and several other hon. members left the House)...(Interruptions)

[English]

MR. SPEAKER : This is not correct at the last stage...*(Interruptions)*

MR. SPEAKER : The question is :

"That his House do express its dissatisfaction at the Government's failure to answer charges relating to the 'Havala Case' and to allegations about illegal pay offs to some Members of Parliament."

The motion was negatived.

19.40 hrs.

MOTION OF THANKS ON THE PRESIDENT'S ADDRESS

SHRI P.C. CHACKO (Trichur) : Hon. Speaker, Sir, I am extremely happy, and feel privileged to move a Motion of Thanks on the Address of the hon. President of India.

Sir, I beg to move :

"That an Address be presented to the President in the following terms :

"That the Members of Lok Sabha assembled in this Session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on the 26th February, 1996."

[Translation]

DR. GIRIJA VYAS (Udaipur) : Mr. Speaker, Sir, I second the Resolution moved by Shri Chacko to support the President's Address.

[English]

MR. SPEAKER : Motion moved :

"That an Address be presented to the President in the following terms :

"That the Members of Lok Sabha assembled in this Session are deeply grateful to the President for the Address which he has been pleased to deliver to both Houses of Parliament assembled together on the 26th February, 1996."

The hon. Members present in the House, whose Amendments to the Motion of Thanks are being circulated may, if they desire to move their Amendments, send slips to the Table within 15 minutes indicating the serial number of the Amendments they would like to move. Those Amendments only will be treated as moved.

19.41 hrs.

SHRI P.C. CHACKO : Hon. Speaker, Sir, it is with an extremely happy face that I stand before this House today because hon. Rashtrapatiji has complimented this Lok Sabha. This compliment is very aptly being deserved by this House and by this Government.

Sir, I recall the days when this Government took over