

Members, who will go to their home, can be able to come back on 6th.

[English]

SHRI GUMAN MAL LODHA (Pali): The voting should not be today so that we can go.

MR.SPEAKER: That is right, Let the discussion continue, I will request the Leaders to come inside and discuss with me.

14.38 hrs

MOTION RE: EXPRESSION OF DISSATISFACTION AT 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 SOMNATH CHATTERJEE (Bolpur): Mr. Speaker, Sir, this is such an issue that many Members wish to make submissions. I am sure, Sir, you will be kind enough to give that opportunity as you have done it in the past. I have no doubt that opportunity will be given to them.

What I was submitting yesterday was - at the time when the House rose before the Budget was to be presented - the issue that had come up about the statement made by one of the Members of this House about the circumstances in which he and some of his colleagues in the House had voted against the No-Confidence Motion in July 1993. And a direct allegation has been made against the Prime Minister and the Leader of the House. So, we had heard Shri Suraj Mandal. We heard Shri Buta Singh yesterday. We are yet to get the views of the Prime Minister and nobody has spoken as yet for the Prime Minister. No Minister has intervened.

MR.SPEAKER: Shri Somnath Chatterjee, I had sent that notice to him. He has replied to me denying it.

SHRI SOMNATH CHATTERJEE: I am not saying this. Up till now, no Minister has given any views. Then we have heard this morning Shri Shailendra Mahto. One thing is very clear. It has been admitted by three hon. Members of this House that because of what the hon. Prime Minister had said about the Jharkhand issue, the voting was done. At least the Jharkhand Mukti Morcha Members exercised their votes on the basis of the Prime Ministers' assurance given on the floor of the House and at an earlier meeting. Forgetting for the time being, whether any money had been transferred or had changed hands or not, in my respectful submission before this House, this is nothing but an

interference with the exercise of the duties of a Member. And this is nothing but a breach of privilege of this House. I just indicated this when we rose yesterday. I did not have a copy of May's Parliamentary Practice yesterday. But I have a copy of May's Parliamentary Practice whose authority or whose acceptability cannot be doubted. On page 158 of the Twentieth Edition, it clearly says and I quote:

"Conduct not amounting to a direct attempt to influence a Member in the discharge of his duty, but having a tendency to impair his independence in the future performance of his duties will also be treated as a breach of privilege."

No. question of money, no question of direct influence is here. The illustration has been given of a particular case that happened in 1963. In England on 25th June, 1963 the Speaker ruled:

"The letter sent by a parliamentary agent to a member informing him that the promoters of a private deal would agree to a certain amendment on conditions that he and other Members associated with him would refrain from further opposition to the Bill constitute in a Prima facie a breach of privilege".

Therefore, you withdraw your support to the No-Confidence Motion, you oppose it, this is the benefit you will get. This is a political sop which has been given. They have said....(Interruptions)

SHRI PAWAN KUMAR BANSAL (Chandigarh): I am on a point of order. Rule 186 says that the Motion under Rule 184 shall not raise a question of privilege. This is what the hon. Member is doing.

SHRI SOMNATH CHATTERJEE: This is very amazing. I am not raising a question of privilege. We are saying, how the governance of this country is being carried out. However affairs of this House .....(Interruptions)

SHRI PAWAN KUMAR BANSAL: May was quoted only to show that this is a question of privilege.....(Interruptions)

SHRI SOMNATH CHATTERJEE: I have read it in the House that the Prime Minister is guilty of interfering with the Members' discharge of their duties according to their free will. And if you are so keen, we can bring a free Motion of privilege against your leader..... (Interruptions)

SHRI PAWAN KUMAR BANSAL: What am I keen about?

SHRI SOMNATH CHATTERJEE: Because an apology was tendered, the House said, well, exculpate the Member concerned. May be, a strict privilege motion is not here at the moment. But what I respectfully submit is, this shows the depth to which this Government has gone down. The Prime Minister, as the Leader of the House, should show some exemplary conduct. Instead of that, he is procuring votes in his favour by giving assurances on a matter in respect of which some hon. Members of this House are passionately concerned or involved. This is nothing but an interference with the discharge of duties by the hon. Members of this House, as despicable, according to me, as giving monetary inducements. I do not wish to say anything because we cannot prove the actual payment of money by 'A' to 'B'. But yesterday when Shri Mani Shankar Aiyar on behalf of the Government spoke, his speech was extolled by all present here on the Treasury Benches. He described this hon. Member of the House as a 'professional bribe-taker'. Therefore, the money which has been found in his bank account, according to Shri Mani Shankar Aiyar, is a bribe money and represents bribe.....(Interruptions)

SHRI P.C. THOMAS (Muvattupuzha): He said, 'self-styled bribe-taker'.....(Interruptions)

SHRI SOMNATH CHATTERJEE: He has used the word 'professional bribe-taker' Mr. Thomas....(Interruptions)

SHRI. E. AHAMED: No he has said so. I did not say, he did not say. But in what circumstances. ....(Interruptions)....

SHRI SOMNATH CHATTERJEE: 'A Self-confessed professional bribe taker' according to you.

Therefore, Sir, the Government's spokesman says that he has taken bribe. Now who gave that bribe, has the Government thought of it? Has any inquiry been held? That Member of this House is conducting on the basic of bribe. It is very easy to go and thump your desk but you cannot see beyond your nose or cannot act beyond your pockets. This is the position of this Government in this country. The only thing we cannot forget is that everybody is saying that very significantly all the deposits were made which were almost of the similar account and at the same time only in the name of hon. Member of a particular political party. Well, let the country draw its own conclusion.

Now, Sir, what I am trying to say is that 'are honesty, probity, sincerity - all these concepts, meaning any longer' so far as we are conducting ourselves in this House where the nation's affairs are to be conducted? or any or every measure can be adopted to save somebody's temporary interest, may be very

high stake of holding on to power in this country by hook or by crook? What is more important in this country transparency. Where is the transparency? From the Congress dictionary the word 'transparency' has been deleted, 'probity' has been deleted. You do not believe in that any longer - whether if at all believed, I do know may be earlier days you did believe. You have given up your khadi caps and since then of course, this has happened.

Now, Sir, I would like to submit that such important questions have been raised - today is the third day after the House is convened. The Prime Minister can technically say 'I need not give any views until the discussion takes place in the House and the hon. Minister for Parliamentary Affairs has assured us that the prime Minister will come at the appropriate time. I accept his statement for the time being, May be in *ab sentia* he is also present through the main switch, I cannot decipher. But the point is he took the trouble of addressing a gathering outside the House. The motion was very much before this House, the subject matter was very much before this House and it is obviously seen that if the good publicity was given to the party at the address, speech made outside this House. What else is his conduct which is not becoming of the Prime Minister of this country? The Leader of the House is saying, his own word is giving his version to his partymen, not to the country and not to the Parliament which is agitated over it.

Sir, what is the message that is going to this country? Is this a party matter? And, we are told that, we read in the paper that he said "you be aggressive in Parliament". Do it. If you have any sense of propriety, if you have any conscience in within and what is common, you do it. There is nobody who can stop you. But does it answer the points that have been raised?

Sir, I submit, it was gross dereliction of duty, gross impropriety on the part of the Prime Minister of this country. It is a continued, deliberate plea ignoring this Parliament by his continued absence (Interruptions).....

DR. KARTIKESWAR PATRA (Balasore): It is only your allegation. But the fact is not like that because you are in the habit of alleging..... (Interruptions).....

SHRI SOMNATH CHATTERJEE: I am not in the habit of pocketing.

Sir, we are told that some Congress leaders have said, look at our leader, he is making desperate or sincere efforts to cleanse public life. Now it is coming in inverted commas in many statements, journals, etc. Nobody has disputed that; I take it that he has said it or he is trying to do that. But I would like to know as to when did he decide to do that. When some Ministers were

found guilty of sugar scandal which repeats very often in this Government? The first sugar scandal did not disturb his conscience; he did not try to cleanse the political system or the public life. Then comes the second sugar scandal. Then his colleagues were found guilty of Joint Committee's report - so many of them. Today I am very unhappy as a Member of Parliament that so many colleagues of ours have been issued non-bailable warrants. Personally I am Not happy. But the question is this is the position that many of our colleagues are facing such charges. This is the system of governance this country, the system of political behaviour, the system of political morality in this country! That is why we are being made a laughing stock. Our credibility is minus, negative today.

About all these people when did the Prime Minister come to know? He need not come to conclusions. When did he have the relevant information which prompted CBI to file charge-sheets against them? Was the Prime Minister of this country not aware of it? Then when did he start? His Ministers are falling by the way side almost as it were. Everyday charge-sheets are being filed. One or the other Minister is going. Today we do not know how many portfolios he is holding. Only I know that he has passed on the Parliamentary Affairs Ministry to Shri Ghulam Nabi Azad. At least I find that one good thing he has done! Probably Textiles has been given to Shri Venkat Swamy. But all other Departments and Ministries he is keeping. He is the Viswakarma to the Nth degree! He has the unlimited capacity to work!... (Interruptions)..... Then there is no Cabinet necessary in this country. Therefore today we have no functioning Government; nothing is decided. It is very easy to say all these things. Now go on patting your backs saying 'Oh, what a great Prime Minister, leader, we have ! He is now cleansing the political life'.

But what does his erstwhile colleague, who is still a Member of Parliament, Shri Scindia say? "These are contemptible charges against me". He says; I will not be probably permitted to read it out. Very well, I can summarise it if I have not forgotten how to prepare a precis. He says he was one of the persons who was thought of having the Prime Ministerial qualifications. In view of that, because he was projected to be a Prime Ministerial candidate, a conspiracy has been hatched and his name has been involved in the Hawala scandal. Did he talk to his erstwhile Minister for Human Resources Development? He is not feeling like that. He is not sharing this cleansing theory. He says he has been victimised because of being a probable Prime Ministerial candidate.

What did our good friend who was very visible yesterday during the delivery of the Budget speech say? Try to summarise what he said the other day. That is, all vested interests have gone against or are making endeavours to silence the farmers'

lobby. Therefore the Prime Minister of India who is taking credibility for cleansing public life is trying to kill his opponents in the Party who may be Prime Ministers or hoped to be Prime Ministers or dreamed to be Prime Ministers.

And that he has declared a *Jihad* against the farmers of the country. These are the perceptions of your party people and Mr. Balram Jhakar is supposed to have even threatened the Prime Minister, 'if you expose me, I know how to expose your son'.

SHRI P.C. THOMAS : Sir, I am on a point of order. I think, it is unfair to take names like that and we do not know whether these statements were actually made.

SHRI SOMNATH CHATTERJEE : Mr. Jhakar is a Member of this House. He can come and dispute this.

SHRI P.C. THOMAS : It is all based on some reports.

SHRI K.P. REDDAIAH YADAV (Machilipatnam) : Till yesterday, Vajpayeeji and other hon. Members were accusing the Prime Minister that he is for the last three year harbouring them. Now, today, they are telling that they are hoodwinking the Ministers. What is the double talk? Till yesterday, the Prime Minister is safeguarding and harbouring the Ministers, not to be punished. Now, all of a sudden, they are telling that the Prime Minister is acting to malign the Ministers. What is this? Vajpayeeji, you see the record. Double standards cannot play any more. You should call a spade 'spade'.

SHRI SOMNATH CHATTERJEE : If my information about the statement made by some of the present Members of Parliament is not correct, they can certainly come here and they can dispute it. We cannot say something against any non-member of the House, who is not present.

Sir, What has to be noted here is that in November, 1995 because of the Supreme Court's strict observation, actions were taken against some bureaucrats and officials of some PSUs, public sector undertakings. I would like to know from the hon. Prime Minister, or whoever replies from the Government, when did the Government of the CBI come to know or come to discover the materials against these bureaucrats whose names were divulged as having given favours to some industrialists or business houses. Even when chargesheets were filed against them, no action was taken against the politicians, although their names were also mentioned there, in the same diary. Now, what is the explanation? That is why the Supreme Court has said: 'why are you catching hold of only the smaller fries, what about the big fishes? 'And then, the Director had to come before the Supreme Court, the Secretary had to come before the Supreme Court. They say, 'you must carry on the investigation against everybody'.

Sh. Somnath Chatterjee)

15.01 hrs

Sir, today the situation is that Supreme Court of India does not believe the CBI any longer. It says, 'If, after a proper and full investigation, the CBI finds that there is no sufficient material against any person named in the diary, you cannot close the case; you must come before the Supreme Court and satisfy the Court that there is no case'. That means, CBI's findings are not accepted by the apex court of this country. This is the position. This is the credibility of the most important investigating agency in this country.

Sir, nobody is responsible, no political master is held responsible for this. For every action of the Government of India, there is this Parliament to account for. It is accountable to the House of the people and through the House of the people, it is accountable to the people of this country. Now, nobody can take shelter behind the bureaucrats' action or officials' action or inaction. Therefore, the Supreme Court said, 'We cannot trust you. You must come before me, before you exonerate anybody else'. This is the stage which we have come to. But there are other very important names which have come out in the course of these investigations, in the course of whatever has been done. Now, the gentleman who was connected or is connected with Samprogetti, what has happened to him? The so-called godman, whose name is known to everybody, even the Supreme Court has said, 'No, before you release him totally, you have to satisfy us. You carry on ruthlessly, your investigation against him'. Nothing is being said about that.

15.00 hrs

The CBI does not catch hold of him. On the other hand the Samprogetti person goes about and comes in whenever he likes. So far as I know, now he has made himself scarce. I may be corrected if I am wrong. How is that the powerful persons and people with powerful connections and high level connections are allowed to go out? This is not the first time allegations are made. Series of allegations were made from Bofors and even before Bofors. These people have found total and final immunity in this country. We can fleece this country, we can finish this country and then totally destroy our political system. We can enjoy all the illgotten benefits in this country. Nobody will say we are totally beyond the reach of the legal processes. Sir, direct allegations are made in the diary of Mr. Jain against a person who is member of the Government. Is it necessary that we should remind ourselves that he is being alleged to be the conduit pipe for payment to former Prime Minister, to a Chief Minister and to the present Prime Minister. It is being said directly and nobody in this country can make allegation. It seems nobody is disturbed in the Government. Nobody is disturbed. They will wait until an opportunity for discussion comes. This is something extraordinary state of situation in this country.

[MR. DEPUTY-SPEAKER *in the Chair*]

Sir, we have been told and this has come in the papers that somebody who is involved in this and whose diaries are being looked into and all that, he accompanied the Prime Minister's party on a foreign tour. Personally I am not aware of it. But I am giving an opportunity to the Government to deny it. If it is not so please do it. But this has been openly said that he had gone in the Prime Minister's party to a foreign country in a farmers delegation and that he was in the group of Prime Minister. How was he selected? Did he at all go abroad, at the same time may not be in the same plane? Was he there in any delegation which accompanied the Prime Minister. If so, how was he selected? When was it? Was it after the seizure of the diary in 1991?

Sir, the reports of scandal have not come to an end. We have now got a scandal of scam which has openly come about and of course this Government does not bother to deny because they have got so thick skinned and so immuned to all these things. Then came new allegation on defence scandal, then railway scandal regarding contracts given for gauge conversion. Well, things are being said openly. They are being published. There is no response, no opposition, no objection and nothing from the Government. I have been saying in this House many many times that if the Government finds something against national interest, national reputation and national credibility, why then the Government on its own come and deny this? Sir, when something incorrect comes out in the papers we try to send a letter of protest to the editor of that paper whether they publish it or not. That is not in our hands. Why cannot the Government come forward and say and repudiate that a false report has come so that it does not gain currency or circulation? Even Members of Parliament are not taken into confidence. What about ordinary people? What about people who are outside? Therefore, the reports of scandals are not coming to an end. Today what is the result of the hawala transactions and investigations that are being carried out? Nobody should forget that we are not and the Opposition is not conducting investigations. Opposition has not produced this diary. Opposition has not paid money. That is nobody's charge. Yes, the party which is claiming to be the main Opposition in the country is also as much tarnished and I am happy that both of you are fully exposed today before the people of this country and both of you will meet the same fate.

But the result of the hawala case today is that we have a truncated Government. Nobody has said that so many Ministers were necessary. If the Ministers were not necessary, then, they should not have been taken; the public exchequer could have been saved of this expenses. But you did have so many

Ministers; they were necessary. But today there is no Human Resource Development Minister, today there is no Agriculture Minister in this country and today there is no Water Resource Minister in this country - separately, I mean. Textile Ministry has now been added. I do not know, how many have also lost. Then, you can see how many portfolios our Prime Minister is holding. The result today is that we have a non-functional Government. Nothing is being decided in this country. One can make advantage of different Budget speeches; one can take advantage of the television coverage.

I do not know how our lovable and loving Minister for Information and Broadcasting and some others, are in that company. Now, he has chosen what his job is. I thought, his nomination was a certainly, but even then he is in doubt, it seems to me. That is why, shamelessly and sickeningly, you are trying to project your leader, utilising public money before the election. Such shamaless exhibition of sycophancy can never be tolerated in this country and we are not going to tolerate. You do whatever you like.

SHRI P.C. CHACKO (Trichur): It is the prerogative of the Government.

SHRI SOMNATH CHATTERJEE: Yes, The prerogative of the Congress Government is to misuse power; the prerogative of the Congress Government is to loot the people; the prerogative of the Congress Government is to make money in this way; the prerogative of the Congress Government is to indulge in corruption and encourage corruption. Yes, we concede your prerogatives. But the people of this country will not continue to accept your so-called prerogatives.

Sir, I am posing a very serious question. I would like the Prime Minister himself, if he condescend to reply to this debate to give the reply; how can there be a proper investigation by the CBI when the Prime Minister is there as the Minister in charge of the CBI and with the present Director of the Central Bureau of Investigation in position? How many extension he has got? What is the basis of giving extension, because we have been told that this Government does not believe in giving extension. Very eminent bureaucrats have not been given extensions. I accept and admire the policy, if it was properly exercised and enforced. You accept a policy and you get rid of your inconvenient but upright bureaucrats; but you go on selectively giving extensions. What is the merit? What was the indispensability of this Director that he has got two extensions, if I am not mistaken, and going to get one more, because he has got the ears of the Prime Minister; and there is a perfect understanding between them.

Therefore, an officer who was described by the Supreme

Court as inefficient, is being given one of the most important posts in this country, so far as investigating agency is concerned. This is the respect of this Government towards the Supreme Court's observations.

I would like to know also, what action this Government has taken under the Income Tax Act, under the Foreign Exchange Regulation Act or even under the Gift Tax Act, against these people. There are co-sharers of money with the terrorists, a perfect case for application of TADA. Only for providing a guest room accommodation, Shri Kalp Nath Rai is in Tihar Jail, there should be many more cells there, to be occupied by some of our colleagues, Very unfortunate, I am not happy, as I said.

Mr. Deputy-Speaker Sir, I was expecting one thing yesterday that Dr. Manmohan Singh will rise up to the occasion to tell the people as to what action has his Ministry at least taken against those people who are shown to have money and admitted to have received money, under Income Tax Act and FERA which are directly under his control and jurisdiction. I would have like to know from him on this point. I would still like to know from him. How can he go on having his so-called reforms with corruption coteries around him? Can corruption and reforms go together? I would like to know from him on this point. It is not good trying to praise yourself and give certificates in your written speeches to be televised. Is your precept preserved by action or supported by action? This is a Government which is now in position on the basis of hypocritical announcement and hypocritical attitude. Therefore, I would like to know further from this Government as to what is the position with regard to St. Kitts inquiry which is another monumental scandal.

15.09 hrs

[SHRI SHARAD DIGHE *in the Chair*]

Sir, it is being said in some quarters that political parties required money and I am sure some of them will be said here but Sir, we have had the privilege of being in this House for so many years; electoral reforms committee have been held; so many Lokpal Bills have come here; so many proposals for electoral reforms have come and our late lamented Dinesh Goswami made his sincere attempt in his short tenure as Law Minister really bring about a change. He called everybody; he formed a committee, prepared and submitted a bill and not like this. The Congress Government was in power in 1971. The then Speaker constituted a committee for electoral reforms. Unanimous suggestions were given but from 1971, not a single reform was implemented by the Congress Government and I must compliment Mr. Dinesh Goswami for he tried to do his best sincerely within a very very short time. Why do not you get a little inspiration from good actions? He was one of you at one time.

(Sh. Somnath Chatterjee)

but left because he had a sense of honour in him. So, Sir, that is not being done.

The question of State funding is important. We said that we do not want it in cash but something may be provided in kind. That is also not being done. It is well known and I do not think that anybody will dispute that a criminal pays money to get some benefit and not out of love and affection and when he pays money to a politician or a Minister, it is for protection and *quid pro quo*. Now, therefore, in this endeavour, we have nothing to distinguish between the Congress and the BJP. Both have been receiving moneys which are tainted money and black money but Sir, the Government has a responsibility to implement, a responsibility to account. There is accountability of the Government to the Parliament. Therefore, the position is very clear that so long as this Government continues, the biggest beneficiary will be the Congress Party and the criminals only. Therefore, the criminals will have their heydays and what this country needs, what the future of this country requires, what the common, ordinary, simple people of this country deserve is an honest Government, a transparent Government where there is probity where their Ministers do not have to resign because of charges of corruption of this wide magnitude. Thus, what this country needs today is the unceremonious disposal of this Government to the dustbins of history and that has to be done.

Fortunately they will not go alone; they will take the main Opposition Party with them. Therefore, Sir, it is for the Left Parties.... (Interruptions).... Yes, we are unhappy that one or two friends from the Janata Dal have been involved in this, but at least they admitted. Shri Sharad Yadav has admitted. .... (Interruptions).... May be admission of guilt, but he has admitted and he has resigned from the leadership of the Legislature Party and resigned from the membership of the House. If that is your consolation that Janata Dal is also guilty, very well have that consolation. The people will give their verdict. .... (Interruptions).... Therefore, Sir, I demand immediate resignation of the Prime Minister who is the source of corruption, who is encouraging corruption, who is shielding the corrupt in this country, and under whose regime a corrupt and filthy Government is now ruling this country. Soon as they go it is better for the country. No Government having any self-respect, no Prime Minister with any self-respect left in him will sit here for a minute more. Let him resign and let a date for holding elections be declared. That is the immediate requirement and that has to be done.

SHRI PAWAN KUMAR BANSAL (Chandigarh): Mr. Chairman, Sir hearing Shri Somnath Chatterjee speak on the subject reminded me of rain drops applauding themselves on the pavement. I would leave the details to Mamtaji and would

only venture to make reference to some of his observations.

Let me begin by saying that though I have a difficulty with the phraseology of this Motion moved by Shri Atal Bihari Vajpayee, yet I do appreciate that the exposure in *hawala* case where payments of large amounts of money have been reported to be made to politicians and bureaucrats and the subsequent judicial observations thereon and the public outcry have impelled us for once to deliberate upon the imperative of probity in public life.

Sir, this case is symptomatic of a deep-rooted malaise in the society. It is multidimensional in character and throws up many vital issues. Lamenting the fall of standards of public life, Shri Vajpayeeji called for self-introspection. I wish we approached this issue in that perspective. I respect Shri Vajpayeeji as a senior national leader. On many occasions I have seen him rise above narrow Party considerations and express his views and opinion in a frank, forthright and straightforward manner. But, Sir, I think in this case he has failed to live up to that reputation. Perhaps, he is under some pressure of his party men who find themselves completely immobilised on learning that names of some of their own very senior party leaders find a mention in the Jain diaries.

Sir, curiously, the Prime Minister is held responsible for this .... (Interruptions).... yes for the malfeasance of the people form the other side.... (Interruptions)....

At the same time our friends not able to appreciate the matter fully, have accused the Prime Minister in contradictory terms and if I were to briefly sum up the two-hour long speech of Shri Somnath Chatterjee, it was a treatise in self-contradictory inaccuracies. And on the basis of this, there is a demand for the resignation of the Prime Minister. Having been a witness to repeated No-confidence Motions in this House, to repeated Censure Motions, to repeated paralyzing of the work of this House by rushing to the well and demanding the resignation of the Prime Minister, I am not surprised - I am not at all surprised - over the raising of this demand once again. In fact, this is their most favorite past time, this is all they could revel in during the last four years and a half.

It has been alleged that the CBI works under the Prime Minister and therefore is not an independent body and has been selective in picking up some of the politicians and bureaucrats for facing trial in the court of the Special Judge. This, with all humility, I would submit, is a travesty of truth. Undoubtedly, the CBI is under the administrative control of the Prime Minister who is the Minister in charge of the Department of Personnel. But that does not rob it of its independence. The Prime Minister as the Minister of Law is also in charge, for that matter, of issues

relating to the judiciary and the Election Commission. Can any one of us say here that the judiciary is not independent, that the judiciary is subservient to the Prime Minister, that the Election Commission is not independent? Can we say here that the various tribunals, that the various boards and the various commissions working under the Ministry of Finance are controlled by the Finance Minister are not independent in their actions?

The CBI, I think, is a professionally managed investigating premier agency in this country. And it is completely, wholly, uncharitable to castigate it, accuse it of partisanship and *mala fide*. We all know that there have been many many instances where many of our friends in the Opposition have demanded investigation of a case by the CBI, cases which may be complicated in nature and because they may have political overtones. Today, as Shri Mandal said yesterday, the CBI is being challenged because it has before it the names of senior leaders belonging to the BJP and other parties. It is being challenged because the oral unsigned statement of the main accused, Shri S.K. Jain, implicating the Prime Minister is inherently false and mischievous and has no feet to stand on. What do they blame the CBI for?

Shri Somnath Chatterjee, a renowned advocate, wants us to accept that the statement made by Shri S.K. Jain is sacrosanct. That is the confidence he places in people like Shri Jain, but on the other hand he talks of a nexus between the politicians and terrorists.

Shri Jain, I am sure Shri Somnath Chatterjee knows, in 17 statements before his arrest and five statements after his arrest did not even obliquely mention the name of the Prime Minister.

While in custody, wiser counsel was perhaps available to him and it was for the first time in March, 1995, in his 23rd statement that he comes out with the name of the Prime Minister. That statement, as we all know, was recorded by Shri Amodh Kant and therein he refers to a payment, on 27th May, 1991, i.e., 24 days after the seizure of his diaries when we were not in Government, the Chandra Shekhar Government was in office and Shri P.V. Narasimha Rao was planning to retire for a life of intellectual solitude. And the ridiculously alleged *quid pro quo* is "you will be adequately compensated for". (Interruptions) This is the *quid pro quo*. Nevertheless, this statement was transmitted by the CBI to the Supreme Court and is before the Supreme Court today, but being uncorroborated even by an iota of circumstantial evidence, it deserves the contempt that has been meted out to it. However, our friends in the Opposition consider it to be a sacred testament.

Sir, this reminds us of similar machinations by the security scamster, who on prodding by a senior advocate who keeps

their company and has kinky ideas of leading the nation himself, hurled accusations against the Prime Minister when he found that the only place left for him was behind the bars. The same legal luminary was once again at the Press Conference the other day where Shri Shalendra Mahato was led into making a self-contradictory, a self-incriminatory statement. Today the repudiation of that statement by Shri Mahato in this House is an eloquent testimony of the extent to which our friends on the other side can go to implicate the Prime Minister. The legal acumen of that senior advocate who has been and has been out of the BJP is well-known and so his penchant for choicest invectives against the Congress. Now, the question is do we believe him? The statement of Shri S.K. Jain also reminds us of another instance of chicanery. The Nagarwala case. When zeroed in its a case of conspiracy, a senior Bank Manager had the audacity to say that he had got instructions from the then Prime Minister to make payments to that person.

Sir, not stopping short here, the hon. leaders in the opposition have alleged that the CBI Officer, and this allegation was made by a person no other than that of the stature of Shri Vajpayeeji, that the officer who recorded the statement of Shri Jain was transferred. This I must again submit with utmost humility is a travesty of truth. I am sure, they know that but in any case I would request the hon. Minister to clarify the point whether it is not a fact that Shri Amodh Kant was transferred on completion of his period of deputation, (Interruptions). This is a wholly misleading statement and, as I said, I would like the hon. Minister to clear whether it is not a fact that he left the CBI on completion of his full term of deputation and whether this also is not a fact that after he left the CBI, the Public Interest Litigation device was again invoked in the Supreme Court and the Supreme Court upheld his moving out of the CBI.

When my colleague Shri Mani Shanker Aiyer referred to the close relationship between this officer and a senior leader who is now in the BJP, there was indignant uproar here. But the fact is that the name of that leader who at the relevant time was the Finance Minister of this country, finds mention in Jain dairies and the best way, I allege, to save him, to bail him out was to implicate the Prime Minister, was to deflect the issue and, therefore, save the people you wanted to.

This again reminds me of another allegation hurled at us. But I would again like the hon. Minister to respond and inform the House that when the hon. Supreme Court made some observations about the working of the CBI, who was the officer in charge investigating the cases. Was it not Shri Amodh Kant when the Supreme Court wanted the work to be supervised by the Director? I would like the hon. Minister to clarify that points as well.

(Sh. Pawan Kumar Bansal)

There has been talk of deliberate delay in investigations, little appreciating how arduous a course such proceedings have to traverse. I hope our friends on the other side know that when there was a report of a DIG of the CBI trying to collude with the Jains, his premises were raided and he was arrested. It was the CBI who did this. But this obviously also leads to certain delays in investigation of the cases. Here again I would like to pose it to the hon. Minister as to what was the number of cases which were investigated and charge-sheets presented under FERA and TADA in the years 1991, 1992 and 1993. Is it not a fact that during that period the CBI was seriously engaged in figuring out the wider implications of this case, in trying to go to the root cause, in trying to even contact the Interpol, to find out the source of Hawala money and thereafter trace it to the alleged recipients. It is easy for us to allege the things here but once it goes to the CBI, the CBI has to investigate it logically and come to some conclusion.

Sir, one may hold an opinion that our procedural laws need to be simplified but we must not be unfair to a premier investigating agency like the CBI. This is my entreaty to this hon. House.

We also know, and I suppose the world know, of the serious delays that often occur in the decision of cases in the courts for the simple reason that there is some fault with our procedural laws. And it was because of the intricate and intertwining procedures that the Supreme Court in this case even issued a direction that all clearances required under any rule be dispensed with.

Sir, this matter, the exposure of the *Hawala* case, should have made us sit up and think about what has gone wrong with our system: why people are losing faith in the institutions so vital for the successful running of the democracy: why does somebody even in disgust question the relevance or the usefulness of democracy itself? And that acquires greater seriousness if it comes from a person as senior as Shri Biju Patnaik. While the CBI Special court conducts the trials and the individuals are arraigned before it, present their defences, I think we must now collectively devise means to reduce the influence of the money and muscle power over the elections and to check the concomitant deleterious impact thereof on the body politic. The cleansing process has to begin from the foundation of democracy itself.

Shri Somnath Chatterjee referred to the electoral reforms. A special session was convened for this purpose. It was convened to discuss a piece of legislation which substantially incorporated what the Dinesh Goswami Committee had recommended. But we frittered away that session. I hope we do not do that now.

SHRIMATI MALINI BHATTACHARYA (JADAVPUR): The Prime Minister was not included in that particular Bill .....  
(Interruptions)

SHRI PAWAN KUMAR BANSAL: Long long back, Shri Rajiv Gandhi initiated the electoral reforms process. Many amendments were made from time to time in the Representation of the People Act. It is a continuing process and it must continue to attract the attention of this hon. House.

Sir, we must today think that whatever be our differences on the advisability or affordability of State funding of elections, we can definitely agree to ban certain activities which jack up election expenses and the Government or the Election Commission can be given the task of distribution of voters slips where the photo identity cards have not been issued or to prohibit the pitching of tents at all the polling booths by the candidates. The use of peripatetic loudspeakers, is a nuisance, we can also do away with.

If we do not reduce the actual expenses on election irrespective of what is the legal ceiling thereon, if we do not reduce the election expenditure, the actual expenses that are incurred on elections, things like this will continue to happen. Candidates, politicians will continue to seek financial assistance from sources which at times may turn out to be questionable. This, in turn, will give impetus to corruption in the society the fires of which will engulf each one of us. They are already threatening to do that.

We can discharge this responsibility, though belatedly, if we sincerely discuss the issues involved and not come up with Motions aimed only at castigating the Government in office.

About the second part of the Motion, I think, Shri Suraj Mandal had to smother the self-incriminatory statement extracted, we can say now, from Shri Shailendra Mahato about the receipt of an illegal pay-off, a statement made after he left the Jharkhand Mukthi Morcha and joined the BJP. As I said earlier, the repudiation of that statement by him today volumes. That speaks volumes of the machinations which can be resorted to. That speaks volumes of the extent of depravity to which our friends on the other side can go to falsely implicate the Prime Minister.

Sir, the statement was made today in this House, in the presence of Shri Somnath Chatterjee. And still he could not care less. He would not believe the statement made by the Member in the House. He would believe what is reported to have been said on his behalf in the newspapers and picking up words here and there, from what my learned colleague, Shri Mani Shankar

Aiyar said yesterday, he is trying to emphasize on peripheral method. But as the things stand today, Shri Aiyar was perfectly right in terming the hon. members in the words he did yesterday. We are happy that cloud of uncertainty raised as a part of a larger conspiracy to malign the Prime Minister, the veil has been lifted over that chicanry. Sir, a reference has been....

(Interruptions)\*

MR. CHAIRMAN: Please address the Chair and go on.

SHRI PAWAN KUMAR BANSAL: A reference has been repeatedly made to No-Confidence Motion of 1993. When, unfortunately, in Shri Vajpayee's words it was said in the House yesterday, the whole Opposition ....

[Translation]

SHRI DAU DAYAL JOSHI (Kota): Money has already been deposited. Shri Pawan Kumar Bansal: Please Sir, you ask him, Mr. Mahato has joined what he has said? Your clarification will not serve any purpose. You ask him. He was forced to say but how he denied it and he has clearly stated that Money belonged to how his Party, but his own conscience again appealed him.

[Translation]

SHRI DAU DAYAL JOSHI: No such man has even born on this earth.

[English]

MR. CHAIRMAN: Please do not disturb.

[English]

MR. CHAIRMAN: Do not record anything, which he said without my permission please. Please sit down.

[Translation]

SHRI PAWAN KUMAR BANSAL: This is happening only because of what you are speaking.

(Interruptions)

[English]

MR. CHAIRMAN: Mr. Bansal, you address the chair now.

SHRI PAWAN KUMAR BANSAL: A reference is repeatedly made to No-Confidence Motion of 1993, where four Members of Jharkhand Mukti Marcha did not align themselves with the unholy alliance aimed at throwing out the Government. It was not just four Members, there were other Members of this House.....

[Translation]

SHRI PAWAN KUMAR BANSAL: This is happening due to that only. Try to have a talk with Mr. Mahato please. Yesterday, a mention was being made here..... (Interruptions)

[Translation]

SHRI DAU DAYAL JOSHI: No such currency has yet been created to us injurious us.

[English]

MR. CHAIRMAN: You address the Chair.

(Interruptions)

MR. CHAIRMAN: Please sit down.

SHRI PAWAN KUMAR BANSAL: Sir, I can understand the agony of my hon. friends on the other side of the House after what has happened to them. Their ego has been punctured, their moral platform has been demolished. The moral platform on which they claimed to be standing has been demolished. I understand their agony, I understand their anxiety. (Interruptions).

[Translation]

SHRI PAWAN KUMAR BANSAL: Today, he has denied it here in the House .....(Interruptions)\*

MR. CHAIRMAN: Is there any party whip who can control him? Is there any party whip present?

[English]

MR. CHAIRMAN: Please do not record anything.

SHRI PAWAN KUMAR BANSAL: Sir, that four Members of Jharkhand Mukti Morcha were not alone in voting against the No Confidence Motion.

(Sh. Pawan Kumar Bansal)

There were other hon. Members in this House who did not share the perception, who did not share the view of the leadership of the Bharatiya Janata Party and the Motion was defeated not by 4 votes, the motion was defeated by 4 votes. There were Members who knew that the Congress Government under the leadership of Shri P. V. Narasimha Rao had the mandate of the people. They could foresee the dangers in overthrowing the Government like that. They knew what would lie ahead if they were to indulge in such a self-defeating exercise. (*Interruptions*)

MR. CHAIRMAN: Do not record anything he says without my permission.

(*Interruptions*)\*

SHRI PAWAN KUMAR BANSAL: Sir, all those hon. Members, who either abstained from voting on that day or voted against the No-Confidence Motion, were aware of the dangers of the reckless move initiated by the Opposition in wanting to move the No-Confidence Motion against the Prime Minister and his Council of Ministers. (*Interruptions*)

MR. CHAIRMAN: I will have to ask you to go out, if you do not listen now. Please take your seat.

(*Interruptions*)

SHRI PAWAN KUMAR BANSAL: Sir, he is taking the name of the hon. Member who is no more in the world and he uses derogatory language against him. What has gone wrong with him? (*Interruptions*)

MR. CHAIRMAN: Please do not disturb him. Do not have a dialogue like this.

SHRI PAWAN KUMAR BANSAL: Sir, I was submitting that the Jharkhand Mukti Morcha voted against the No-Confidence Motion in appreciation of the Prime Minister's concern for the welfare of the tribals. Shri Vajpayeeji and Shri Somnath Chatterjee find fault with that. They find fault with the Prime Minister expressing his concern for the welfare of the tribals. That is what really impelled me to say that when I heard Shri Somnath Chatterjee speak, it only reminded me of rain drops applauding themselves on the pavement.

Sir, the Congress has weathared many a storm and repeated efforts to destabilise the Government have all failed. Undeterred, the Prime Minister has relentlessly pursued his mission to make the fruits of Independence available to every citizen of this country. This is how he viewed his position on being beckoned to lead the nation at a time, as I said earlier, when he only aspired for some intellectual solitude.

Shri Vajpayeeji, who is not present here at the moment, began his speech by saying that the nation is in peril.

[*Translation*]

He had said that there was a crisis in the country.

[*English*]

Sir, the nation is indeed in peril. It is in peril because the BJP in its pursuit of power has thrown to winds the ancient Indian ethos it swears by. Clinging to the husk of religions as separated from its essence, the Bharatiya Janata Party has equated democracy with the tyranny of groups claiming to act on behalf of the religious or communal majorities.

Sir, the BJP President, who has left this House sometime back, has talked of going to the polls with the *Trishul* with three poll planks.

SHRI RAM KAPSE (Thane): Mr. Chairman, Sir, what is the Motion and what is he discussing about?

MR. CHAIRMAN: He is replying to what Shri Vajpayeeji has said.

SHRI RAM KAPSE: Vajpayeeji never referred to any other issue except the Motion. He was within his limits, But he is not discussing about the Motion.

SHRI PAWAN KUMAR BANSAL: Sir, I was present here all through when Shri Vajpayeeji spoke and also when Shri Somnath Chatterjee spoke. I thought I should have replied to many more things. But I am also conscious of your reminding me of the time and therefore, I am cutting short only to say that the BJP President talked about going to the polls with the *Trishul*, with three poll plans.

Sir, those three poll planks according to him representing the three prongs of the trident, are: wipe out corruption and bring probity in public life, remove fear and usher in security and promote *swadeshi*.

MR. CHAIRMAN: Please wind up now.

SHRI PAWAN KUMAR BANSAL: Sir, I have not even taken 25 minutes. The earlier speaker has taken two hours.

MR. CHAIRMAN: They were the first speakers of that party. But you are the second speaker of the party.

SHRI PAWAN KUMAR BANSAL: Sir, I respect your observation and I will take only two minutes more.

Sir, actual events have demolished that aggressive moral posture of the BJP. The BJP has soiled Lord Shiva's sacred *Trishulas* it soiled the legacy of Ram Rajya which epitomizes the prosperity and spiritual bliss. Sir, they will do service to the nation by admitting their mistakes and by desisting from creating impediments in the way of the proper functioning of the Government. Our deeds today must match our words. I am not really in a position to say that to senior Members on the other side. Our conduct today is under the gaze of the public as it was never before. A big question mark on our credibility stare at all of us. If we fail, we will fail the people, we will fail the nation and the succeeding generations will never forgive us.

SHRI SRIKANTA JENA (Cuttack): Sir, I support the motion which was brought by the Leader of the Opposition. We are discussing hawala issue. I entered politics in 1977 after being released from the jail during the emergency and at that time we were fighting against black money and corruption. But this new word 'hawala', I heard very recently only after this hawala Jain diary revelation. Yes, that is my ignorance. We know white money and black money. But this is hawala money. Black money can be converted into white money, if you pay income tax and satisfy the Finance Minister. But can hawala money be converted into white money? That is the question I am asking not from Mrs. Margaret Alva but from the Finance Minister. I think in this debate, the role of the Finance Ministry is very important. That angle has not been taken into consideration. We are just concentrating on CBI investigation, delayed CBI investigation, when the CBI investigation was completed, when the charge sheet was filed and how many are still to come, But the question is about black money.

But the question is about black money. Previously, Jaya Prakash Narayan, Morarji Bhai Desai and other leaders of this nation were telling that unless we curb black money, democracy cannot be run in this country, the wheels of democracy cannot be run on democracy. But today the wheels of democracy are being run by hawala money.

Today, I am speaking from here, but somebody else would have spoken from this place. Shri Sharad Yadav was my leader: he had resigned not only from the membership of this House, but also from the membership of our Parliamentary Party.

SHRI MRUTYUNJAYA NAYAK (Phulbani): If it is for no reason, why has he resigned?

SHRI SRIKANTA JENA: I am coming to that. During the J.P. movement, he fought against corruption. With the people's

initiative, from college, he came to this august House. He resigned also during the emergency period from this august Body protesting against extension of the tenure of the House. Today, he is not in this House; Advaniji is not in this House.

I know Shri Sharad Yadav when I was not even an MLA. I entered the Legislature from the Jail. I became an MLA in 1977, and I was a legislator there. From the student days, from my youth days, Shri Sharad Yadav was my leader. But he had resigned now. When he was asked by ZEE TV, whether he has taken the money from the hawala racket involving S.K. Jain, he said in a straight tone that he had received the money from one Mr. R.C. Jain, who was brought to him by one of his party colleagues and leader, Shri Chimanbhai Patel, that he gave money during the elections, that he had noted it in his diary. He had showed that diary to the television and to the entire Press. He said, "Yes, I have received Rs. 3 lakh from one Mr. Jain; I do not know whether that Jain is the same Jain who is being referred to or not, but I have received it". That was known to everybody, and it was in 1992-93. In his very first revelation, he said that he had received the political donation, that he had spent it in the elections and that there was nothing to hide. He also said that if he had to be blamed for that, he should be blamed; if he had to go to jail for that, he would go to jail; if he had to be hanged for that, he should be hanged. He also said that if anybody in this country could prove, whether it is CBI or the Supreme Court, that Sharad Yadav is a corrupt person, corrupt politician, he has amassed money, he has built his building, he has kept money in the bank account, he has taken money for his in-laws and relations, then he should be hanged.

I would like to request the Minister in-charge of CBI a charge sheet will never satisfy Mr. Sharad Yadav, my leader that for heaven's sake, please investigate Sharad Yadav right from his childhood till today including his paternal property and that property, if at all, that he has accumulated during his political career. But for a political donation, he has been charge-sheeted. The charge-sheet of CBI says that he had taken money in 1988-89 before the elections, and after the elections, after the National Front Government came into power, after he became a Minister in-charge of food processing, a file came from the Industry Ministry and he just recommended the case of an hundred per cent export-oriented unit. There were so many applications and even today also, if Mr. S.K. Jain's son applies for establishing a hundred per cent export-oriented unit from the jail, he would be given because that was to policy. Anyway, all this would be proved in the court of law, and I am not going to argue as to whether the charge-sheet is correct or not.

But the point here is the one that pertains to political donations, political parties and the system. There is a question

(Sh. Srikanta Jena)

mark on how this system will operate, how the democracy will function in this country. We are all political elements and we belong to different political parties.

16.00 hrs.

[SHRIMATI MALINI BHATTACHARYA *in the Chair*]

I heard the statement of my friend who was a Minister from Madhya Pradesh, Shri Arvind Netam on television. Yes. I might have taken Rs. 50,000/-. The industrialist belongs to my area and during my election campaign. I might have taken Rs. 50,000/-. But I think he did not know whether Mr. S.K. Jain is a hawala racketeer and he is doing all these things. When we, political activists, go to the Industrialists for political funds, will they ask for character certificate from us before giving these political donations? Political donations and the money taken for any contract are two different things. That would be decided in the court of law. I do not mind it. My good friend Shri Mani Shankar Aiyarji said yesterday that "I can understand BJP. I can understand Congress party. But this National Front is a loose Front. Any time, it can be broken. It can be thrown into the dustbin." You have destroyed us. It came with 60 Members to this House of the People. Today we are only 22. I can understand Shri George Fernandes and Shri Nitish Kumar differing with us. We had difference of opinion and there was a split in the Parliamentary Wing of the Party. That is a different matter. But before that, please ask yourself, Shri Mani Shankar Aiyarji. I have great respect for you. Please ask yourself. Minority Government was converted to a majority Government and you are proud of that. If your policy would have been correct, then we would have supported you. Right from the beginning, we were saying let there be consensus and let there be a policy understanding that we will not bring down this Government. If we would have compromised, Shri Mani Shankar Aiyar, at that time when Laloo Prasad Yadav arrested Shri Lal K. Advani, if there would have been a little compromise, then we would have been in power. Nobody would have thrown us from power. We would never compromise with policy. When we do not compromise on policy, we are prepared to go to any level. But to stick to power, you have used all kinds of means and whatever explanation my good friends in the JMM may give, they may escape from this kind of technicality. Democracy never runs on technicality. Democracy runs with certain kinds of commitments and probity. If that is not there, you may continue to seek for power. You are in Congress party. Panditji was in power. Indiraji was also in power. Rajivji was in power, We were in Opposition. We prefer to be in the Opposition and keep fighting for national dignity and for national cause. Remain in power, but do not use that mechanism. You use that kind of mechanism to remain

power and from 60 we are now 20. (*Interruptions*). Shrimati Margaret Alvaji, Jain diary started on 3rd May, 1991. The diary was seized. Then what happened? Two Kashmiri militants - also called militants - as per the report they were supporting the militants. They were carrying bank draft and money for the militants. Today they are in Jail. Why have you not booked them under TADA? Shri S.K. Jain accompanied the hon. Prime Minister to Korea. (*Interruptions*). You please contradict me.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONEEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): I will reply. (*Interruptions*). I stand up and say with all authority that he did not accompany the Prime Minister to South Korea. Nor was his name cleared by the Prime Minister. (*Interruptions*).

SHRI SRIKANTA JENA: Madam, in all humility and authoritatively I say that Shri S.K. Jain accompanied the Prime Minister in his official tour to Korea and his name was included in the list of delegates, not by the CII or by ASSOCHAM or by any industrial federation but in the last moment by the PMO. (*Interruptions*)

SHRIMATI MARGARET ALVA: He did not. (*Interruptions*)

SHRI SRIKANTA JENA: You have said it is "no". I am saying it is "Yes". I have not got that record right now with me. But I will prove in the House whether Shri S.K. Jain accompanied him or not, whether his name is there in the list or not. You might not be knowing because you were not dealing with the PMO. Any Minister in-charge in the PMO can say authoritatively. Therefore, the two Kashmiri militants are in jail today under TADA. From 1991, still they are in the jail. Why is it that Shri S.K. Jain is outside? if this hawala money and the main culprit is Shri S.K. Jain and his associates, why he has not been booked under TADA. He says that this is his blackmoney. So, for having blackmoney you have a different law. For hawala money and the money used for terrorism, he should have been booked. The carrier of the money was booked under TADA and the real supplier is outside. Who is Amirbhai? Amirbhai is the agent. The money is Shri S.K. Jain's. Who was the supplier from abroad? What has Shri S.K. Jain said in the Interrogation? It is an Italian businessman Quattrochi. He says that, For the Dulhasti Power Project, he had the contract. For that, Mr. Quattrochi given the money. It comes via Amirbhai, S.K. Jain and then goes to the Kashmiri militants via JNU and the carrier of this money from JNU to Jammu & Kashmir has been booked under TADA and S.K. Jain is free. The charge sheets are being used against political donation takers. I do not say that they have taken and they are charged under the Anti-Corruption Act. What was the purpose of the note of the CBI to Cabinet Secretary when the

charge sheets were ready? The charge sheets were ready to book your three senior Cabinet Ministers. What does the note by the CBI to the Cabinet Secretary say? The CBI takes a stand that it is not investigating it. The point is that the CBI has so far not initiated any comprehensive inquiry into these allegations. Shri Jain made one critical statement and really the CBI was totally perturbed about it. What was that statement? If I read, then you will make noise. Shri Mani Shankar Aiyar knows it. Already Shri Vajpayee has told it to the Press. It has come in the Press. What was the statement made by Shri S.K. Jain while he was interrogated by the CBI? What did he say? The CBI says is this. What is the stand taken by the CBI Officer? The stand taken by the CBI is that the scope of this investigation is limited to the diary entries and therefore it cannot be expanded to include allegations made by Shri Jain during the interrogation following the seizure of the diaries.

It does not appear to be supported by facts. Significantly there was no direction to the CBI from any quarter to limit its investigation to the diary alone. Ultimately what does the Supreme Court direct? It said the CBI should investigate into every acquisition made against each and every person on a reasonable basis irrespective of the position and status of that person and it must be conducted and completed expeditiously. The Division Bench said that this is an imperative to retain the public confidence in the impartial working of the Government agency. The CBI goes to the Cabinet Secretary on January 18. What did it explain? It is equally important. The CBI's note of 18th January to the Cabinet Secretary seeks Government's sanction to prosecute Cabinet Ministers Shri V.C. Shukla, Shri Madhavrao Scindia and Shri Balram Jakhar whose names have been included in the relevant portions of Jain's statement made to them during the interrogation...*(Interruptions)*

SHRI UMRAO SINGH (Jalandhar): Under what rule can he quote this document? He cannot do that...*(Interruptions)*

SHRI SRIKANTA JENA: I will draw the attention of Shrimati Alva. The PMO is also there. You can consult him afterwards. He was also there. He can explain whether Shri Jain was there or not. The CBI note of 18th January to the Cabinet Secretary explains its seeking Government sanction to prosecute Shri V.C. Shukla, Shri Madhavrao Scindia and Shri Balram Jakhar that were included in the relevant portions of Shri Jain's statement. That means, Shri Jain's statement during the interrogation was taken into consideration and only after that the CBI said that they would charge-sheet these three Ministers and therefore sought permission. The other part of Shri Jain's statement regarding the Prime Minister is vague. His diary is accurate; commas, full stops, everything is accurate, his entire version is accurate. Only the portion where he has mentioned that he has paid Rs. 3.5 crore is not clear. To whom did he pay?

*[Translation]*

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): I am listening.

*[English]*

SHRI SRIKANTA JENA: You know the document itself. That is why, you can say so. I just ask my good friends Shri Aiyar and Shri Bansal one thing. From 3rd May, 1991 to 16th January, 1996, you could not charge-sheet because de-coding was necessary. But even today the floopies are still available in the custody of the Supreme Court. You have not de-coded it. You have not identified Shri Amir Bhai. You have not gone into FERA the violations; you have not gone into COFEPOSA violations; you have not gone into the violations done by Mr. Quittrochi, the Italian gentleman involved in many many other deals. What was the necessity for the hon. Supreme Court to mention to go in for 'investigation to every acquisition'. The acquisition made by whom? It is by one diary. Who maintains the diary? Shri S.K. Jain's who is now charged religiously maintained the diary till 1991, date-wise. Every pie has been accounted for in it. You have based on that. From 1991 onwards, he says he has not maintained it. On the version of Shri S.K. Jain you say that everything is correct excepting one portion that is the Prime Ministerial expression. Therefore, I just want one categorical answer from the hon. Minister whether the CBI is investigating the Prime Minister's conduct in this Havala episode or not.

I am sure the CBI is investigating it. And, when the CBI is investigating it we have demanded the Prime Minister to quit. We do not want debate for Havala's sake. We demanded, right from the day one that the Prime Minister should resign. I know he is a great person, scholarly person who knows many Languages, he is an old man and even father like man, why should I demand for his resignation? Is Srikanta Jena going to be the Prime Minister? No. Why should I demand his resignation? I demand his resignation because he talks of probity in public life. If you want probity in public life let the great person, the Prime Minister should resign forthwith to facilitate the CBI to investigate....*(Interruptions)*....

SHRI MRUTYUNJAYA NAYAK: One point I want to ask you. It is said that today Mr. Biju Patnaik has been charge sheeted. Further is he going to quit his position as a Leader of the Opposition from the Assembly?

SHRI SRIKANTA JENA: I would request him to raise this issue in the Assembly itself....*(Interruptions)*.... I am a very poor

(Sh. Srikanta Jena)

.....(Interruptions)

speaker. I am not like Shri Mani Shankar Aiyar. I will be disturbing you if you say something. I am very poor in this respect.

Madam, the demand of the Prime Minister's resignation is not just casual. If he resigns then the prestige of Shri Narasimharao will enhance; if he is directed by some other forum to resign then his prestige will not be there. That is my apprehension.

SHRI INDRAJIT GUPTA (Midnapore): Which forum?

SHRI SRIKANTA JENA: Any forum where this issue is being discussed.

SHRI INDRAJIT GUPTA: It there any forum to discuss it?

SHRI SRIKANTA JENA: No, in other forums also, in the Supreme Court where the investigation is there. If the non-bailable warrants are issued for hon. Shri L.K. Advani, Shri Sharad Yadav and other mates, that kind of non-bailable warrants may come tomorrow also. So, can your CBI investigate impartially the conduct of the Prime Minister in this whole racket?

Yes, Shri S.R. Bommai or my party President has resigned. You have not charge-sheeted him. The name was, an international executive was there.

Translation]

Moral responsibility is the greatest thing. He resigned from he Presidentship of the Party owing to Moral responsibility. Shri Sharad Yadav and Shri Advani have also resigned for the same reason....(Interruptions)

SHRI MRUTYUNJAY NAYAK: When will Mr. Lalu resign?

SHRI SRIKANTA JENA It will come later on....(Interruptions)

[English]

MR. CHAIRMAN: Order, please.

SHRI SRIKANTA JENA: My only point is, why was there delay in CBI investigation from 1991 to 1994 after the intervention of the Supreme Court...(Interruptions)....

MR. CHAIRMAN: I would request the hon. Members to allow the Member to speak, please.

SHRI SRIKANTA JENA: The dairy of Jain says, in this statement to the CBI, "Yes, I have paid money and I wanted to be Dhirubhai Ambani." He also says." I have the desire to grow like Dhirubhai Ambani. He has risen with the help of his contacts with politicians and others. I also wanted to get myself closed to them by paying them commission." Will not Dhirubhai Ambani come into this because that is his ideal? He knows, everybody knows, what was his role and how suddenly he from dust to sky could manage to build the empire.

Therefore, Madam, this is not just for a debate's sake that I am debating this point. This is a serious matter in the nook and corner of its country and outside this country. Ours is the biggest democracy in the world, everybody is looking at us, what is happening there. What is happening here will really give credence to the outside people's perception that this Indian democracy is run on black money, on Hawala money. Therefore I would request that while the Prime Minister or Mrs. Alva participate in this debate, he or she should explain how this has happened.

Another interesting thing is the period between March 25, 1991 and January 16, 1993. I have great respect for the CBI. How efficient it is ! I really admire CBI or else the conspiracy against Shri V.P. Sing in St. Kitts forgery case would not have been solved. This is the CBI Report, not my report. Why are you hiding that report? have you not received the preliminary investigation report by CBI on the St. Kitts case? Mani Shankar Aiyarji, you must have seen that report submitted by CBI on St. Kitts. What was the role of our Prime Minister, the then External Affairs Minister? What does the CBI say?

SHRI MANI SHANKAR AIYAR (Mayiladuturai): If you are reading out from the *Sunday* magazine, I suggest you read out from "Mani talk".

SHRI SRIKANTA JENA: I am not reading out anything. I am just mentioning what was the forgery case. I am just quoting from the report of the CBI which was submitted to Mrs. Alva a few days back. The report says that the prime Minister went to New York, telephoned Adanan Khashoggi, Chandraswamy, Mamaji, being the External Affairs Minister he gave an order for global search. Global search for what? Ajay Singh's signature should be obtained; or else how can we open an account in St. Kitts? This order was given by whom? By Shri P.V. Narasimha Rao, the then External Affairs Minister. What did he say when he was asked about it in 1990? he was under pressure from above order from above ! The CBI recommended that immediately after this report, Shri P.V. Narasimha Rao was an accomplice in this forgery case. What happened to that?

You cannot escape from Hawala; you cannot escape from St. Kitts. I am not charging your leader, Aiyarji, because he is no more. What did Shri S.K. Jain say about him? I am not mentioning about Shri Sitaram Kesri - how much, when and where of it. He said he was accounting in the same fashion like the Congress Treasurer Shri Sitaram Kesri from 1991 because his diary was seized. Shri Sitaram Kesri says:

[Translation]

"No account, no record but, what I say is true." What he says is correct and what Jain has told is also true but C.B.I. is saying that what has been said about 7, Race Course, is not correct. How?

[English]

Therefore CBI's investigation is under a cloud. Therefore the Supreme Court is intervening. You are not impartially dealing with this matter. That is my first allegation. Therefore allow the CBI to investigate. Either the Prime Minister should resign or I will appeal that another agency should investigate it if he not respecting the probity of public life.

Prime Ministers come and of ; nobody will remain as a Member of Parliament; nobody will remain as a Minister; nobody will remain as a Prime Minister. Your deeds will be remembered...*(Interruptions)*. He has to explain....*(Interruptions)*. I will not name any officer, but 115 are there in that great list. My apprehension is this. You are changing them under Anti-Corruption Act. Do Members of Parliament come under 'public servants' category? on that basis only, you have charged members of Parliament. What else is that? What is the Government's stand, the CBI's stand on whether Members of Parliament and MLAs are public servants or not? Let it be clarified. What is the Government's stand? Ultimately, the Supreme Court's stand will be the interpretation, but let CBI say whether they treat MPs and MLAs as public servants or not while charging them under the Anti-Corruption Act.

SHRIMATI MARGARET ALVA: Madam, in the High Court of Orissa, there is a judgement where an MLA has been held responsible under the Anti-Corruption Act and the judgement still stands. It has not yet been reversed. That was the interpretation of the Orissa High Court in the case of an MLA charged under the Anti-Corruption Act.

SHRI SRIKANTA JENA: That is what I was telling.

SHRIMATI MARGARET ALVA: It is in the Orissa High Court judgement....*(Interruptions)*

SHRI SRIKANTA JENA: That is what I was telling because I know this is the interpretation of the Orissa High Court. That interpretation has also been taken by CBI today - whether when they received the money, at that time they were MLAs or MPs or not. And on that basis you are charging them. I am not going into the list of those who have escaped because of this categorization...*(Interruptions)*

SHRI RUPCHAND PAL (Hooghly): They are twenty-one in number.

SHRI SRIKANTA JENA: Any way, I am not going to that debate because that debate will also bring in the Supreme Court of the country and that will be another matter altogether. But the point I was trying to raise, apart from this investigation against 7 Race Course Road, the hon. Prime Minister, is this. My apprehension is that since CBI is investigating, the Prime Minister should quit.

And then, Madam, I will now come to the issue of probity in public life. We are hearing the comments from the courts, we are hearing the comments in the newspapers about politicians, MPs and MLAs. When I speak, I must ask myself, because I was an MLA for three terms, a Member of Parliament for two terms and a Minister for two terms in the Centre and in a State, after leaving college I had gone to jail through the JP movement and I have come to this august body. Really, I must look back: how much money have I amassed, have I taken for myself, for my family, for my relatives? We must ask ourselves. Let there be a commission. Let there be a total body scan, a total body scan of all MPs. Let us start from here. Let us ask ourselves first before anybody asks us, 'What, really, are you?' and say, 'yesterday, you were seen in a bicycle, today, you have come in a big car'. There are Members of Parliament going by Matador, coming by Matador and travelling second class by train. I include myself in the first and not in the next. We have houses in Delhi's posh colony. We have houses in many big cities. We have bank balances, foreign bank accounts, fixed deposits, lockers and what not. 'We', means, 'some of us'. So my point is, Madam, will you allow the CBI to investigate all these things?

Before the CBI investigates into all these things, can we investigate ourselves? Can we really evolve a mechanism to investigate ourselves? Let us scan the properties in Delhi. Let us scan the Delhi city itself. Let us have a total scanning and total x-ray of Delhi. Let us see who is having what. How many bungalows the bureaucrats are having, how many bungalows the judges are having particularly in the posh colonies, how many bungalows the Pressmen and the politicians are having should be investigated. Who will inquire about this? We are talking of Rs. 62 crore. Madam, please come with me to the Mehrauli farms. One Sainik farm costs Rs. 62 crore. One houses costs

(Sh. Srikanta Jena)

Rs. 62 crore and I have great regard for Shri Manmohan Singh, the Finance Minister. He was talking about the vibrant economy yesterday. He was saying under the vibrant economy we have done this and that and that there was nothing till 1991 and he has done everything after 1991. Go to Pragati Maidan everyday and see how many cars are being registered everyday and see who buys those cars which are worth Rs. 30 lakh and 50 lakh. In the last session, I was telling that one suit costs nearly Rs. 50,000 in Cannaught Place market. One suit length costs Rs. 72,000. Who is buying? What is happening in five star hotels in Delhi? Who is showing this kind of an extravaganza? Who is having this money? The CBI, the great institution, what is it doing? what is it looking at? What happens everyday in five star hotels? Who will investigate into this? This is RS. 62 crore. Shri Sharad Yadav - for Rs. 5 lakh, hang him or throw him to the dustbin of the history of this nation. We do not mind that. But if we conduct ourselves in this fashion, it is not good. That is why we have been telling that let us have an Ombudsman type of institution. In Newzeland, in Finland, in Denmark and in Switzerland this institution works and it works systematically. And that really gives th public life a different esteem. But what is happening in our country today? If we cannot have an Ombudsman kind of an institution in our country, let us recommend to the Supreme Court let there be a permanent public interest litigation banch. And let there be a permanent public interest litigation bench in all the High Courts and if Dr. Manmohan Singh requires another vote on account, we are prepared to give money for that an complaints against Prime Minister, Ministers, MPs and civil servants and judges should come under that category. Any citizen without any fear can go to that particular bench. If you cannot have Lok Pal or Lok Ayukt immediately, then ask the Supreme Court to have a special bench like Ombudsman that is operating in other countries. For that, you require guts. For the political determination is needed. If you have the Political determination you can change the history of this great nation. You rule for another fifty years, we do not mind that. You take as much vote you like, but act and act like a statesman and act like a Prime Minister and give a message to the entire world, yes, we can cleanse our public life.

Therefore, Madam, this is the sorry state of affairs everywhere. Everywhere we are going to the Ministers asking, 'please give us a petrol pump'.

We are going to the Minister asking, "Please give us something somewhere, like gas agency." I told really in the Hon. Speaker's meeting. We have all said. I do not allege against anybody. But people think that we are selling even the coupons

also; they think that we are selling even the telephone connection. Please have it stopped for ever. Please stop it for ever...*(Interruptions)*

SHRI RUPCHAND PAL: We have all along been saying that please do away with that. But they are not agreeing. They may consult the Prime Minister in this regard....*(Interruptions)*

SHRI SRIKANTA JENA: When we say something against the other, we must ask ourselves as to what really we are. Therefore, we have to improve upon the entire system. If you really want to improve the system, let a landmark decision be taken by Shri Narasimha Rao, then, he will be remembered in the history by resigning and taking the leadership in this direction, and doing this and doing that. he is nearly 80 years old, is it not? ....*(Interruptions)* Even if he is 70 plus, it is all right ....*(Interruptions)* If he is minus 70 then, I must think it over....*(Interruptions)* What is the average life of a person here? ....*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI SALMAN KHURSHED): Please do not say like that...*(Interruptions)*

SHRI SRIKANTA JENA: I am not telling anything about him. I am not joking, rally. I am seriously and sincerely saying this. He can really give a life to this nation. let him say something about St. Kitt's also. Shri Suraj Mandal said that he has done it for that, etc. I am getting comments everyday from his boss. he was a Minister and somebody was his boss. let him say that since I want to blacken the name of Shri V.P. Singh, he brought in the name of Shri Ajeya Singh, his son. So, such short term gain can never be expected. It will make short circuit. Since Shri V.P. Singh's popularity was going up. somehow they wanted to bring him down, bring him down and bring him down. But truth cannot be suppressed and truth can never be suppressed; and truth always have triumphed.\*

MR. CHARIMAN: He is absent since he is not a Member of Parliament.

.....*(Interruptions)*

MR. CHAIRMAN: He is not a Member of Parliament any more.

Expunged as ordered by the Chair.

....*(Interruptions)*

MR. CHAIRMAN: he is not a Member of this house.

.....*(Interruptions)* \*

SHRI SRIKANTA JENA: Madam, you can go through the proceedings and you can do whatever you want to do.....(Interruptions) \* [English]

MR. CHAIRMAN: I have expunged it.

MR. CHAIRMAN: A Member of the House can defend himself in the House but someone who is not a Member of the House cannot defend himself.

MR. CHAIRMAN: That is not a point of order.

...(Interruptions)

(Interruptions)

MR. CHAIRMAN: Mr. Jena, you try to conclude now.

MR. CHAIRMAN : Allow Mr. Jena you please continue.

(Interruptions)

SHRI SRIKANTA JENA: Madam, I do not mind if you go through the proceedings and decide. You can do whatever you like....(Interruptions)

SHRI SRIKANTA JENA : I am now concluding. (Interruptions) \*

MR. CHAIRMAN: The Chair can give its own ruling in this case and I am asking this thing to be expunged.

SHRI SRIKANTA JENA: If you raise the point of order just for nothing, I have nothing to say. I will conclude only by saying just two or three things.

.....(Interruptions)

MR. CHAIRMAN: No point of order.

MR. CHAIRMAN: If it had been against a Member of the House, that Member could have come to the House and defended himself.\*

SHRI INDRAJIT GUPTA: Have you ruled that both the remarks of Mr. Jena and Mr. Mani Shankar Aiyar against this particular person should be expunged.

MR. CHAIRMAN: Mr. Jena, you please conclude and I request others to allow him to conclude.

MR. CHAIRMAN: Yes.

....(Interruptions)

SHRI INDRAJIT GUPTA: There the matter ends.

SHRI A. CHARLES (Trivandrum): Madam, you kindly expunge both the references.....(Interruptions) ...

SHRI SRIKANTA JENA: Madam, I have already said about this system, that is being destroyed...(Interruptions)

MR. CHAIRMAN: Please allow Shri Jena to continue.

[Translation]

....(Interruptions)

SHRI HARCHAND SINGH (Ropar): How much time you will take?

MR. CHAIRMAN: Please do not talk all together. \*

SHRI SRIKANTA JENA : What has happened to you? Why are you so angry. I am speaking about system only.

MR. CHAIRMAN: Please sit down and allow him to speak.

...(Interruptions) \*

[English]

[Translation]

MR. CHAIRMAN: Please conclude Mr. Jena.

MR. CHAIRMAN: You sit down.\*

[Translation]

MR. CHAIRMAN: You sit down\*

.....(Interruptions)

SHRI SRIKANTA JENA: Madam, I am concluding.....(Interruptions) You are quite honest MPs but we are not

(Sh. Srikanta Jena)

so honest. I am speaking only about the kind of acrimony being faced by you due to us.

[English]

I was just concluding by saying whether or not, we can improve upon the system. The senior leaders like Indrajit Babu, Somnath Babu, Atal Bihari Vajpayeeji and others are in this House. We are new comers in this system. If you go in the street in this kind of dress, people are really pointing fingers at us, saying 'Oh, politician'. The credibility of the politician is today, totally in the gutter. Therefore, can it really be improved upon? And what can be the system which can really improve upon? That is what I was suggesting. I was suggesting a mechanism, the mechanism which was not thought of during the time of our independence, when a Lok Pal kind of system, an ombudsman kind of system would have been there right from the beginning. If that kind of a system would have been there, then this kind of a situation would not have arisen. That is why, though it is late but let not be never. Therefore, I will request all of us in this august House that let us put together our heads and from these discussions, apart from this kind of acrimony, let us really conclude with one message that really we will fight this corruption, blackmoney as a man like Shri Manmohan Singh, whose personal integrity is really beyond question. But the blackmoney today in this country is Rs. 50,000 crore. I have a difference of opinion on political matters. Then, that is different altogether. But about his personal integrity, he has that and everybody has respect for him. (Interruptions)

DR. KARTIKESWAR PATRA (Balasore): How was blackmoney previously there? (Interruptions)

SHRI SRIKANTA JENA: Madam, I am just concluding. I will request this kind of saner elements in this house to please sit together. If it is electoral reform, state funding will be required. In the election, we spend money. How do we spend money? Where to get money? Is it really blackmoney? I started by saying that are we really interested to run the wheels of democracy either through blackmoney, or through hawala money or through the real money. In the transparent way, the political parties, the political system and the whole system will run. That is the real question. How to answer that? For that, let us together put ourselves and ponder over this seriously during this discussion and debate. Let us hope that something concrete should come out of this. Or else, blaming each other will not solve anything. But CBI should be impartial and to make it impartial, let the Prime Minister quit for heaven's sake.

SHRIMATI MARGARET ALVA: I just want to reply to a single point of Mr. Jena, because he repeatedly spoke about the Lok Ayukta and the need for an institution. I want to remind him that there was a Lok Ayukta functioning in your State, Orissa. The moment your Government came, they did away with the institution of Lok Ayukta and it was only then the Congress Government came back there that the Lok Pal institution has been restored. I do not know what the reason was. It could be that probably you felt that it was not performing the duties or not performing its jobs but the fact is that Orissa was the only State which decided to do away with the institution of Lok Ayukta.

SHRI SRIKANTA JENA: Yes, Madam, I agree with you that a Lok Ayukta Institution was there and it was abolished during our Government by replacing it by a Special Court for speedy....(Interruptions)

SHRI SRIKANTA JENA: Yes, Madam, I agree with you that a Lok Ayukta institution was there and it was abolished during our Government by replacing it by a Special Court for speedy....(Interruptions)

AN HON. MEMBER: This is not comparable.

SHRI SRIKANTA JENA: Just a moment. There may be a difference of opinion but that was our perception. In our perception, we may differ but our intention was not wrong. My Point is that if the intention was not wrong, then do not point fingers at us. That is my point.

SHRIMATI MARGARET ALVA: You mentioned the need for a Lok Ayukta. That is why I mentioned it...(Interruptions)

SHRI SRIKANTA JENA (Cuttack): you may call it in any manner, Lok Ayukta or Special Ayukta or whatever it may be. The name, the nomenclature is not that important for us. What is important for us is the institution. That is my point. Our intention was not wrong in replacing it by a Special Court.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Not only Lok Ayukt was abolished but also ....(Interruptions)

17.00 hrs

[Translation]

SHRI RAM VILAS PASWAN (Rosera): Madam, you have declared in the news at 2 PM in the Upper House....(Interruptions) I would like to know, whether you have taken a decision to pass Lokpal Bill and are you also going to bring the Prime Minister

under its purview? You said that you have talked to the Prime Minister and he will also be included in it and the Lokpal Bill is going to be passed during the current session.

[English]

SHRIMATI MARGARET ALVA: I do not know whether it is proper for me to refer to the proceedings of the other House. I have no problem. There was a Starred Question in the Rajya Sabha today to which I have given an answer and in the course of that - the Prime Minister was also present there I have not announced. I have replied that we propose to bring the Lok Pal Bill during this session of Parliament to be passed by the two Houses.

SHRI INDRAJIT GUPTA: Do you want to pass it? You brought four Bills like this earlier.

SHRIMATI MARGARET ALVA: Madam, I cannot repeat the whole discussion of the morning but I did say that it is for the Government to bring the Bill, but it is for the two Houses of Parliament to pass it.

SHRI INDRAJIT GUPTA: Is it the Government's intention to pass it or not?

SHRI RAM VILAS PASWAN: Will the Prime Minister also be covered?

SHRI SYED SHAHABUDDIN (Kishanganj): Madam Chair person, I begin with a line from the famous poet Faiz:

"Kaun Katil Bacha Hai Shahar mein Faiz,  
Jisne Yaron se Rasma Rah Na ki"

Madam, we have been dealing with Shri Jain, with Hawala. Now, Jain today has become a sort of a symbol, a code name, a code word, for all the corruption in our society, including our political society. Shri Jain's name was inadvertently discovered by the CBI as has been pointed out in the House. But it is clear to all of us that what we are discussing in this House today is just the tip of the iceberg.

Madam, I share the agony of a young man like Shri Jena who came into politics the hard way, came up to be the leader of his party and today he has to suffer as the target, as a member of this society to which we all belong, the political society.

Madam, It appears to me in this acrimonious wrangling across the House, that we are not quite taking the situation as gravely as it deserves to be taken. Do we realise what people think of us? Do we realise what they are talking about us, how

they are tarring our face with the same brush, all of us, all of us Manmohanji including yourself, including me, including everybody? The turn of Politicians has come to be abused to become notorious.

[Translation]

"Sun to Sahi Jahan mein Hai Tera Fasana Kaya, Kahti Hai Tujhko,  
Khalke Khuda Gaybana kya."

[English]

But it is no longer a whisper. It is piercing through the walls of this Chamber, it is coming in if you have your ears and hearts in the right place. The entire system today has shall we say, hit the bottom has the sunk low.

People do not respect us. People have contempt for us. People think every one of us is corrupt; every one of us has made millions. I do not think that this realisation is really coming through in this a partisan debate that we are having, it is not coming through. People are looking at his Mr. Jain is not the only operator.

There may be many hawala operators. Today the entire political system has become the hunting ground not only for hawala operators but for gangsters, for wheeler-dealers, for astrologers, for god men. I do not know for who else, for racketeers of all sorts, for commission agents etc. We know how favours are granted and how favours are rewarded. But we are trying to mixing up many issues. We are losing the various strands involved in this hawala business.

As I applied my mind I thought there were clearly four strands and I say this with particular reason because Shri Manmohan Singh is present here. There is the element of political donation of black money. It is a universal Phenomenon. There is an element of transfer of donation from abroad through *hawala*. There is an element of transfer of commissions given to people who have granted favours, people who have granted contracts for supply of this or that, paid abroad, then laundered, white washed and brought back into the country for political operations or for personal benefit.

And the fourth element is, I am sure, Shri Jain also has paid money in rupees as commission for the favours granted to him not as the *hawala* operator, but as an entrepreneur, one of the pure breeds, of which Shri Manmohan Singh is so proud of, people who are trying to re-build a new India, people who are going to turn this country into a paradise of sorts. therefore, these four are all different. There are many legal implications;

(Sh. Syed Shahabuddin)

there are many financial implications. We are only used to the word hawala, *hawala hawala*. *Hawala* is mainly a transfer through non-banking channels of money abroad. What is more important is the element of corruption that has gone into the system, that has seeped into the system, every joint of it. It is oozing out of the structure from under every window, from under every door, from under every wall. People know about it. Do you think that people do not know about it? People also have become accustomed to it, people have socially accepted it. People think that nothing can be got done without money, without greasing the palms. Even orders of the Government passed in their favour cannot be copied by a P.A., will not be despatched by a clerk until money is paid. Everybody knows it. No favour is granted, no sanction is given to anybody for anything done by the Government. And when we have lost the taste of austerity, there is a much greater scope for corruption because there is much more to give away. I have seen before my own eyes in the last twenty years that I have been in politics as compared to the previous twenty years when I was in Administration, how our great country has found new ways of showing off its newly found wealth for competing with the rich, with the wealthy in everything, whether we manage a Conference or how we run this Parliament or how we run our Ministries. You look at the five-star hotels and then at five-star toilets. I believe in a very universal notion, Madam. Any system when it acquires an outer allegiance outer form it begins to decay. Shahjahan built the Taj Mahal, then the Mughal Empire had to feel. And that is what is happening before our eyes and we are all partners in it, We are all seeing it, may be some of us feel helpless. We cannot stop it.

Day in and day out, we churn the name of Gandhiji, swear by him and refuse to accept austerity, and Shri Manmohan Singh sends out guidelines from his Ministry, asking every Ministry to economise, and next year grants them ten per cent extra money. He has to. He is also part of the system.

[Translation]

Har ke Darkane Namak Rajat Namak Shood.

[English]

Any one who goes into a mine of salt, turns into salt, So, this is the bigger problem that I want to draw your attention to.

We could have changed it. But who will throw the first stone? Who will come to grips with the problem? Every political party is engaged against the other and no holds are barred. We say ends do not justify the means. That is our philosophy. In actual life we adopt all means to achieve our ends, howsoever

ignoble they might be. Of course, in a democracy, the end of achieving power is a very noble aim. You cannot find fault with that. After all, what is politics all about? It is capture of power, to become the managers of the society, politics, as Aristotle said, is a noble vacation, the noble art of management of society that was a totally different politics. We can adopt any means. We can, of course, lick the boots of god men and racketeers and I do not know who else. The problem is that no one is prepared to doctor the system. We might lecture at each other. We know each other very well. You prescribe a panacea, I write another prescription, and the final prescription is whether Mr. X or Mr. Y will be the Prime Minister of India, as if once Mr. X or Mr. Y is installed in power, everything will be fine. After the coming elections. I have a feeling that nothing will change. Of course, people long for a change. Again I quote a very famous poet, Faraz from Pakistan, who was recently in our country:

[Translation]

Kaun Aata Hai Magar Aa Lagaye Rakhna  
Aur Umrabhar Dard Ki Shama Jalaya Rakhna.

[English]

That is the destiny of our people. To live with this pain, this agony, this suffering, to live and crawl on this earth and die away, die away as they were born, uncovered, unclothed, illiterate, diseased. But who cares? We are a free nation. We are the upholders of the great philosophy of Buddha and Gandhi, and that is our glory. We live by that glory and the people live and die. Who cares and who will change the system? Every one of us knows what needs to be done. My friends Jena was very right when he brought out certain remedies. He did not speak only in a negative tone, he made some positive suggestions also. I would also like to make some positive suggestions. But I would say that basically it is a question of political will, not only on the part of the ruling party but on the part of all the political parties in the country.

Why should the Bhartiya Janata Party have admitted a self-confessed defector? I am not questioning their right, but their taking the moral posture, why should they when they criticise the other party for taking twenty defectors? I am telling you that defection is not an illusion. Engineering the defections is a game being played stealthily, behind the scene, with its own rules laid out....(Interruptions) I do not wish to quote names but sometimes I can speak with some personal experience also...(Interruptions).

[Translation]

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI (Garhwal): You have just said that why defector has been taken? He said in the morning that he was not a member of

Party, he was expelled. When he has stated this then we should not at least presume it wrong.

SHRI SYED SHAHABUDDIN (Kishanganj): You have made it clear.

[English]

But he became a defector on the day that he voted for the No-Confidence Motion, in my view. I am not taking a legal or a technical view.

Therefore, I am not questioning your facts. But try to understand. Are you prepared to throw him out today? Can anybody here accept after what he has said that he did not take the money? Did he say when from he got the money? He did not say one word. I listened to him very carefully. I was just waiting for that. He did not say where he got money from. My good friend Shri Suraj Mandal is not here.

[Translation]

SHRI BHOGENDRA JHA: Do not clarify it at least now. He is a defector or not. Leave it... (Interruptions)

MR. CHAIRMAN: Mr. Bhogendra Jha, you will get a chance to speak later on.

(Interruptions)

[English]

SHRI SYED SHAHABUDDIN (Kishanganj): Shri Mandal has very nicely put it. He brought out all the agony of the tribal heart, the agony that arises out of social and economic disparities in our country. If big are looting why cannot the poor loot in their own way, in their small measures in their petty way? Why not? But then he gave us a cock and bull story that little donors had accumulated for him over the years. This sum of money, to be deposited in the bank on a particular day which happens to coincide with the day he met the Prime Minister or the day after and which happens to be the day after he voted in the House in a given manner. How can anybody believe it? Do you think that the people believe it? Do you not think that they hold us in contempt for these cock and bull stories? Why can you not come out clean as some of the colleagues have done?

Therefore, it is not a question of scoring debating points or being swept away by our rhetoric as sometimes my very very good and learned friend Shri Mani Shankar Aiyar does. It is not

a matter of Treasury Benches *versus* the Opposition Benches. It is a matter that we should look at as national problem. Things are bursting at the seams. Things are coming up to the surface. The system cannot hold together. The system is collapsing. What are we going to do about it? How should we look at it?

But, of course, my friends from the Treasury Benches need not mistake me when I say that the last five years have been a glorious era of scam after scam. No other five-year period can be compared with this.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: Do not call it glorious. Call it inglorious.

17.18 hrs

[MR. DEPUTY SPEAKER *in the Chair*]

SHRI SYED SHAHABUDDIN (Kishanganj): Well, that is precisely what I mean.

Of course, this is an era of *ghotalas* and scandals and scams. The Government, whose Finance Minister is a man of integrity, an honest man. Dr. Manmohan Singh has the touch of Midas. You know the miraculous king. Everything they touched turned into gold. Everything. Everything, whether it was sugar or salt. They touched sugar and it turned into gold. They touched granite and it turned into gold. They touched urea and it turned into gold. They touched iron ore and it turned into gold. They touched plain simple land and it turned into gold. They touched defence equipment and it turned into gold. They touched power equipment and it turned into gold. And I dare not say about telecommunications now. But the county is not yet convinced on that score either. They turned even official houses into gold. Do you know what a small fellow, who is a driver in the Government told me? He is a class-IV servant of the Government of India. He told me with tears that: 'Sir, the Ministry of Urban Development demands Rs. 40,000 for a single-room tenement from me. He has put in 20 years service in the Government. Do you know what he has said further which is more shameful? He said that he knows that the money goes right upto the Minister. That is what is happening.

Do you know that every single appointment of Constable in Delhi has a price tag of Rs. 30,000? I am told that for the posts of Sub-Inspector and Inspector it is way up. But do we also realise that we pay for the admission of our children and we break queues for getting railway reservation? Is that not also true?

(Sh. Syed Shahabuddin)

So, this Government, as I said has the touch of Midas. I do not know how many thousand, crores have been made, among whom or how it has been distributed. I only know what the people say that anything, any order, any sanction, any legitimate act by the Government has a price. Therefore, if the corruption has reached Himalayan proportions and have seeped into every walk of life, then sometimes, I wonder why has it come to be so? Is it just plain human greed? Sometimes I wonder. One thing and I like to speak about Mr. Deputy Speaker.

My very good friend, Dr. Manmohan Singh, Said yesterday, we have a 5000 years old history. There have been many ups and downs in our history. There have been moments of victory and there have been moments of defeat. There have been moments of elation and moments of depression. But somehow, I must speak frankly to you, Mr Deputy Speaker, somewhere we have developed an insecurity complex. I have gone round the world. I do not see it in other countries. For example, I have been in America, People do not care even about their own future about their own next decade. Here, we not only care about the rest of our life, we care about our next seven generations. That is within us. That is the seed of corruption. This deep sense of insecurity that something might happen tomorrow is what explains all the gold that still comes into India by smuggling although you allowed a large chunk over board. India has become the biggest depository of gold in the world. Something is there. So, something deep with us. What is required is a deeper analysis.

Now, Sir, I have been in politics for nearly 20 years, not yet 20 years and I toyed with the idea of quitting politics because I feel that it is now not a quest of service finding the best way of serving the people. We have lost our sense of direction. Taba who died recently, a great poet. again said:

[Translation]

"Rahon ke Pechon Kham Mein Simte Bhi Kho Gai Hain"

[English]

In the twists and turns of the path, we have lost the sense of direction.

[Translation]

"Dushwar Marhala Hai Chaliyo Jara Sambhal ke"

[English]

Now, I will not go into the details of what we are discussing

the CBI business, but I will have to say only one thing. The CBI had this Hawala case before it since 1991. The horse looked so feeble that it was not even capable of motion, not moving at all. I do not know whether it had any life left in it, people were wondering. Suddenly, at the end of 1995, it started galloping.

[Translation]

Why? How? Something has happened. So, I thank the Supreme Court for using the whip. That feeble horse suddenly started galloping.

[English]

Now, it is moving so fast that it does not even know whether it has made out a *prima facie* case. I am told again - I am only quoting somebody who told me that the CBI thought that if the supreme court is insulting them in this manner, is putting them to task in this manner, not accepting their word, then, all right, we shall not worry about how good a case is, they shall run and run file a *prima facie* charge sheet against every body. Many of us who have a legal sense know full well that many of these cases may not stand the trial. So, may be, they are doing a good service to the people they are serving a charge sheet on. A man will not be tried again the second time. There is a rule of double jeopardy which will come to his rescue. A light case, a false case, a case which is incomplete is being prepared in order to throw dust in the eyes of the people, while the big fish runs away from underneath.

[Translation]

Jal ke Uper Haal vahi Hai  
Jal ke Neeche Haal,  
Machhli Bachkar Jaye Kahan  
Jab Jag Hi Sara Jaal.

[English]

So, the big fish have been given an outlet and in order to keep up appearances the little fish are being charge-sheeted knowing full well that the cases will fall. So my advise to my dear friends will be, just have a little fortunate.

Legally, Sir, it is true that you cannot charge-sheet a person merely on account of his name appearing in somebody's diary. You must have some corroborative proof. But by the same token you cannot but investigate him if his name is in the diary. But then I saw the details of a statement analysed on the front page of a newspaper as to how after due inquiry and investigation the

CBI had come to the conclusion that the Prime Minister did not deserve the charge-sheet as in his case the dates were wrong and the man's memory of the room in which he sat was off the mark. I do not know why this selectivity is being adopted.

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV): Have you seen any news item appearing with the copy of the page of a diary where the Prime Minister's name is there?

SHRI SYED SHAHABUDDIN: I did not say about the diary. I said about the accesses subsequent statement.

But the same organisation, which either on its own or under directions from above maintained a conspiracy of silence, today seems to be speaking out all at once. Well, I wish it success.

But I would like to know from Dr. Manmohan Singh as to how far the Enforcement Directorate has gone. After all, *havala* basically is an economic offence. Of course, there are many offences connected with it. I believe the Enforcement Directorate also has been awakened by you, perhaps. It is also now trying to join the race after four years. But, of course, there is the law against corruption, there is the violation of FERA which is your responsibility, there is the violation of FCRA which is the Home Minister's responsibility and there are the criminal sections in the Indian Penal Code. I suppose they are also being taken care of by the CBI.

Sir, I must say this. There is the very simple rule of equity. The Prime Minister has come under a shadow. I am not saying for a moment that he stands convicted. I am not saying that. But he has come under a shadow and he has come under repeated shadows. So, the people are going to add one, plus one, plus one and many shadows put together might become too thick. Create a cloud. So, is it fair for an agency which is working directly under the Prime Minister to investigate his case?

[*Translation*]

Tum Hi Katil, Tum Hi shahid, Tum Hi Munsif Thahare,  
To Akraha Mere Kare Katl Ka Dawa Kis par.

[*English*]

Where shall we go? Why can the Prime Minister not step down and hand over power to Dr. Manmohan Singh who, perhaps, enjoys his confidence? Why can he not do that till such a time when the investigation proves that there is no case and then place all the facts before the people?

Sir, Caesar's wife must be above suspicion. The rulers must be above suspicion, at least in a democracy they should be above suspicion, at least the Head of the Government must be above suspicion and the Head of the State must be above suspicion, because all the Ministers serve at PM's pleasure. But on whose pleasure does the Caesar? Finally, it is his own conscience and therefore, I would certainly make this humble suggestion that it is not fair, it is not equitable, it is not just, it is not going to restore the confidence of the people and it is not going to revive the people's faith in the system, if the Prime Minister goes on presiding over the CBI while it is supposed to be investigating his own conduct.

We know what is happening in other parts of the world. Mrs. Gandhi very truly once said, 'corruption is a global phenomenon' much before the word globalisation was brought into fashion by Mr. Manmohan Singh. Corruption is a global phenomenon. But claim to be the biggest democracy of the world and the second largest democracy of the world and the inheritors of all the virtues in the world and the successor of Buddha, Gandhi, *rishis*, *munis* and saints. What have they done in Italy and what have they done in Japan? What have they done in Korea and where are we? What is the example we are setting for the world? It is bringing our entire system into disdain.

Now, I will come to this question of defection. I did mention how I inclined to disbelieve the source of financial contribution as mentioned by Mr. Mandal. However, I am also inclined to read something in the non-disclosure of the source by Mr. Mahto and I read something in the very very accidental coincidence of the dates. Therefore, I feel that the Government did try to save its skin. I know that the Government has tried to save their skin through many contacts somewhere they succeeded and somewhere they failed.

I would like to say here - that is a point which needs to be repeated although I give full credit to Mr. Chattarjee for having made that point - that even if no money changed hands but on the eve of the fateful vote to make a political commitment is itself political corruption..(*Interruptions*). That is exactly the same logic as the Election Commission bars the Government in power from launching any new scheme or making any new promises just before the election. Exactly in the same way, the same logic applies here.

[*Translation*]

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI:  
They did not dare to ask for vote in the case of Uttaranchal.

[English]

You are indulging in political corruption of a very serious nature when you offered them Jharkhand.

[Translation]

SHRI UMRAO SINGH (JALANDHAR): You had already said it yesterday.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: Not only yesterday but you will have to listen it again and again.

[English]

SHRI SYED SHAHABUDDIN: Mr. Deputy Speaker, Sir, I will wind up by making a very few positive suggestions.

SHRI MANI SHANKAR AIYAR: I think, you should be given Uttarakhand. I will never want your vote. Keep your vote. But, I think, you should get your Uttarakhand.

SHRI SYED SHAHABUDDIN: Firstly, immediately bring a Bill in this House to convert CBI into a statutory authority reporting directly to the President of India and nobody else.

SHRI MANI SHANKAR AIYAR: Excuse me. You mean that the President should have the executive authority. In the entire Constitution, the President can only act on the advice of the Council of Ministers. I do not understand what your proposal is.

SHRI SYED SHAHABUDDIN: No, I am not going into the nuts and bolts of this legislation. I am saying that bring a legislation to make it an autonomous and independent body. May be, it can report directly to the President. I am thinking of a Constitutional authority something like the CAG.

Now, secondly, that is a very welcome decision on the part of your Government, Madam and I am sure that you have played a positive role in bringing that about - the decision to have a Lokpal Bill passed during this session and to have its jurisdiction include the Prime Minister of the country as well.

KUMARI MAMATA BANERJEE (Calcutta South): We do not have any objection if the Prime Minister is included. But should not the Chief Ministers also be included?

SHRI SYED SHAHABUDDIN: Sure, I agree with you. Except that the Lokpal Bill will only apply to Central authority and for Cm's you require perhaps a State Legislation. But I, in principle, fully agree with you.

In principle, one hundred per cent I agree with you that just like the Prime Minister, the Heads of the State Governments must also be subject to the Lok Pal or the Lok Ayukta authority. There is no question about it, and I am with you.

My third suggestion is, it is a very interesting suggestion, about the elections. Please device some rules to make the candidates and the parties accountable, made the entire process transparent, let there be a State funding, let there be certain responsible limits, let the loophole of the explanation to Section 77 of the Representation of the Peoples Act be closed, which makes a distinction between the expenditure incurred by the candidate and the expenditure incurred by the party or the expenditure incurred by his supporters. I say that there should one single limit and the total expenditure must be subject to a reasonable limit.

In regard to donations to political party. I suggested the other day it a private meeting that in some countries, one per cent of the assessable income of every income-tax assessee can be donated for political parties for legitimate political activity, to legitimate political formations, and then both sides should account for it - the donor and the done - and the parties should as come out with a list of money they have provided to which candidate and how much. If it is a uniform rate, fine; I have no objection to that. But let the entire, electoral monetary system be completely open and above aboard. Let it be completely transparent. I think, we can do that. We have got that strength; our democracy is deeply rooted, it has taken roots in the soil of the country. And, therefore, this can be done. It means you have to legalise the donations, you have to put a reasonable limit on election expenditure you have to close the loopholes and make the parties and the candidates fully accountable.

As far as the defection is concerned, let there be a clear law. As Madhu Limaye had very wisely pointed out, splits can be on ground of principle. But if the defection takes place from the opposition to the ruling party and, particularly, when the defector becomes a Minister, that is absolutely the height of it. I would, therefore, suggest that there should be a law that anyone who deficits resign his seat and go back to the people or, at least, that anyone who resign in order to join the ruling party and become a Member of the Tressur Benches must immediately go to the people.

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): what will happen if a member of the ruling party it the opposition joins?

SHRI SYED SHAHABUDDIN: the same thing will apply both ways sometimes, we shall be the ruling party. Do not worry about it. It can be applied both ways.

I remember in the late 40s or early 50s, a question arose after Independence on the mode at communication between the political leaders and the administration. If I remember correctly, Pandit Jawaharlal Nehru wrote letters about it to all the Chief Ministers. At that time, most of the legislators and politicians were Congressmen. They thought that they had gained independence, that they could go and badger the Collector, badger the SP to get things done. So, Panditji wrote a letter. If I remember correctly, a case in which it was said that could only be taken through the party channels, that a political worker should not directly approach the administration. Of course if there is a political issue, if there is a public issue, it is the duty of the party unit at the district level to bring it to the district officer's notice. so some such norms. I am not laying it down, should be introduced to regulate the contacts between the much maligned legislators and the much, shall we say, harrassed Ministers. Something should be done in this regard. I know they are under pressure. I have no doubt about it. At least, some of us have not made any claims or demands upon the system, but those are very very few. We do all the time *sifarish* and *piravi* have become a part of our life. Sometimes, it may be just because somebody comes from my *constituency*. I will have to write a letter to the Director of All-India Institute of Medical Sciences I know that there are thousands of patients waiting in the queue, and why should I ask for my man to be given a preferable treatment.

But everyone goes by *sifarish* and I am not divulging a secret. Much of the *sifarish* also goes with a *benami* transaction.

[Translation]

They are demanding, what can we do? We are bound to do so. We are not taking any money. When S.P., D.M. and even Ministers say no to clear your case without offering money then how do you expect that any amount less than 50 thousand rupees will be sufficient. If you can afford to give, your work will be done.

[English]

It is happening every day within my knowledge. I am not telling an untruth. I am telling the absolute truth.

[Translation]

Shri Jena has said it rightly.

[English]

Let us look into our own heart and into our own conduct. What are we here for? Why is everybody anxious to be a

Minister? (*Interruptions*). Thank God. I have never had a single day of power in my political life. When my Party came to power, I was out of it. When my Party Government was pulled down. I returned to it. (*Interruptions*). That is not the issue. I am speaking in a general way. I know how hard for any Prime Minister must be to keep himself in power to look the other way when many things are happening in his knowledge because he is at the command of his Party which might have a razor sharp majority. Everybody has to be looked after. Everybody's faults and vices have to be ignored. Much guilt has to be suppressed. otherwise, there will be a fall. The entire future of the Government depends upon whether you accept the pressure of *sifarish* of a particular group or not. Therefore, we should also apply our mind to some reform in the system. Let the elected Prime Minister of the country be completely free from these pressures. That will lead me to another debate. I will leave it just at that.

What about the money receiving? I would say and I would repeat this let us pass a law because I do not believe in a Kangaroo court. Let us have a law which provides that at any time if a citizen decides to enter public life, he will have no private life, he has to come out for public scrutiny. At the time of filing his nomination, moment he becomes a candidate for a public office, he must file an affidavit of all his movable and immovable properties held in his name or in the name of his immediate family and a similar statement and affidavit must be made when he completes his term or when he quites. (*Interruptions*). I am having a running fight with the Finance Minister on the question of confidentiality of the banks. Those affidavits must be made public so that the people know how much money he had, what his worth was at the time he entered public life, at the time he opted to enter public life. If you are opting to do something and want certain privilege for yourself, you have to make some sacrifice. You have to sacrifice your privacy. Your conduct, your children's conduct, your wife's conduct and your brother's conduct come into the public domain.

[Translation]

Large scale nepotism is prevailing in India.

THE MINISTER OF CIVIL AVIATION AND TOURISM AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD): Yes, it is prevailing.

SHRI SYED SHAHABUDDIN: Yes, it is very much there.

[English]

There are ways and ways of nepotism. so, it must come in to the public domain. Let us set standards of transparency at that time. Then this law should apply with retrospective effect to all

(Sh. Syed Shahabuddin)

of us sitting in this House or to anybody against whom there is any public petition. Believe me and I am very sorry to say this and I do not mean any aspersions against any one, but if the state is composed of the legislature and the executive, it also includes the judiciary.

I would like the same sort of law to apply to all Judges of the High Courts and the Supreme Court Today, the corridors of justice are also have the odour of corruption. One dead fish spoils the entire tank. Therefore, all these three arms of the State must be subject to public scrutiny, transparency and accountability. Then only we shall be able to wipe out the corruption. then only we shall be able to say that we are truly serving the people of India. Then only we shall be true to our oath of loyalty to the Constitution. Therefore, Mr. Deputy-Speaker, Sir, I am not very much concerned about Rs. 64 crore. What is this Rs. 64 crore among friends? The question is much larger much bigger and much wide. Therefore, let us have a sense of history. So, I once again appeal all of you to go to the people with a new heart, with a new mind and with a new spirit to rally the nation behind us to restore their confidence in the system to see that they have faith in the probity that we claim for ourselves. As I said already, let one thing be done. I will not go so far as to say: let the Prime Minister should resign. If he does on his own accord and hand over the Chair to one of his trusted colleagues so much so good. But at least for appearance sake, take the CBI out of your domain; make it an autonomous authority or at least hand it over to another Minister. Thank you very much.

MR. DEPUTY-SPEAKER: Now I call Shri Sudhir Swant to speak.

KUMARI MAMATA BANERJEE (Calcutta South): Sir, you are not calling me to speak. (*Interruptions*)

MR. DEPUTY SPEAKER; Shri Sudhir Sawant, please sit for a minute. Somebody advocates that Kumari Mamata Banerjee has to start her speech.

[*Translation*]

SHRI SYED SHAHABUDDIN: Excuse me, I had forgotten to read out a couplet:

"Unke Mathe Par Shikan To Ayegi,  
Lakin Shakil Hum Kahan Le Jayein  
Apni Jurratein Guftar ki."

[*English*]

MR. DEPUTY-SPEAKER: There is an advocacy that Kumari

Mamata Banerjee has to speak. But th list indicates your name.

SHRI SUDHIR SAWANT (Rajapur): All right, Sir.

KUMARI MAMATA BANERJEE: Mr. Deputy Speaker, Sir, I am grateful to you and at the same time grateful to Shri Sudhir Sawant for allowing me to speak. You have at least allowed me to speak.

MR. DEPUTY SPEAKER: You have to be grateful to Shri Sudhir Sawant.

KUMARI MAMATA BANERJEE: Of course, yes. I am grateful to all the hon. Members of this House and the Chair specially for permitting me to speak. We are waiting for the discussion because corruption has become not just like a fashion but it is just like an art. I want to start with a saying because before my speach Shri Syed Shahabuddin used so many quotable quotes. First, I want to quote Rabindra Nath Tagore who said: "Where the mind is without fear, And the head is held high..." India became an independent nation after waging so many struggles. So many people had given their blood to see that India becomes an independent nation. Now, India is a young country...(*Interruptions*) It is evergreen. It will be evergreen. Do you have any objection?

Coming to the subject, I thought that instead of concentrating on only one thing that the Prime Minister should resign, all the political parties and political affiliations should work unitedly in this House to solve this problem so that the message should go to the people of this country that the elected representatives of the people are really thinking of value-based politics.

[*Translation*]

Mr. Shahabuddin, you have read out several couplets. I want to flicitat you on the occasion of Id. Please listen:-

"Hum Ah Bhi Bharte Hain  
To Ho Jate Hain Badnam,  
Vo Katl Bhi Karte Hain  
To Charcha Nahin Hota."

such things happen but at the same time it is also right that:

"Mudai Lakh Bura Chahe  
To Kya Hota Hai,  
Vahi Hota hai Jo  
Manjure Khuda Hota Hai."

I have expressed my views in party as you have also done so.

[English]

It is a fact that we should not hide the main thing. In every party there are some corrupt politicians, corrupt leaders and because of this, the credibility of the politicians has gone down. And the new generation is thinking whether this type of politics will continue or not. If you blame only one particular party saying that it has taken money and say that the other political party is totally free, it is not correct. How have they become free? I want to tell you a story.

I charge Margaret Alvaji and tell her about the game plan behind this Havala case. Corruption is everywhere. When I get an opportunity, I will discuss it in detail. In this case, when Shri Gupta, the special Court Judge says that every paper has been seized by the CBI and the court, then how is it that it was reported on the 2nd February by only a party organ, the Marxis Party organ as to how the CBI was going to charge - sheet, who are the persons which are the courts? How have they got this information? the background was very clear. the understanding was that they would not include the name of the Left Front parties, the name of the CPM party. that is why, this was the game plan. I want to charge the Minister one this. I have no grievance with the CBI because they are doing a good work. But when on 2nd February, the first new came through a particular party's organ, how has it got leaked? How has it go leaked?

One political party has said that they have filed their income tax returns. I congratulate you. But do you know what have you said in your income-tax returns? You have filed a 'nil' return. You have got properties worth thousands of crores. you are having properties in every block, every village, every district and in every State. You cannot deny it. I charge the Finance Minister now. I would like to know from the Finance Minister whether he will go into details of these income-tax returns which they have filed They have filed a 'nil' return. That means, their income is nil. Then how have they built up so many buildings? They are having properties worth thousands of crores. Where are they getting it from? Is it from Russia or the KGB or Gorbachev? It is a shocking thing. I am not supporting this havala case. They have submitted false returns. IF I am wrong, you can hang me. But they have submitted 'nil' return. I request the Finance Minister to go into the details and find out whether it is true or not because they are having many properties now. It is a great scandal. It is a father of Havala, grand father of Havala. You people do not know how they have built it up. What is the game plan?

Actually election is coming. And corruption is everywhere before elections. I admit it. Because if you go to a school for

admission, you have to give donation; if you go to a hospital for admission, you have to give donation.

If you go to any college for admission you have to give donation, you go anywhere, you have to give donation. If you go to clear the file then also you have to give donation. Corruption is every where, So, you cannot concentrate only on a particular area. You have to concentrate in every area. Corruption must go and the corrupt people must go. The country's people should know that India is the country where everybody says' yes, we belive in democracy, we stand for unity, we stand for integrity, we stand for stability, we stand for honesty'.

Sir, I am sorry to say that value based politics has become valueless. That is why what I charge Shri Manmohan Singhji is very clear regarding the income tax , land and houses of the CPI(M) party for 18 years is all over Rs. 20,000 crore. From where they have got? Is it from Allahudinn's Magic Lamp? or it is a big Havala, the grandfather of Havala?

Sir, these people say that they are only the clean and all others are \* and all others are corrupt and they are the clean. somebody pleaded it today. I do not want to mention his name.... (Interruptions)... I am not yielding to you. Please let me speak.....(Interruptions)..... I am not supporting corruption.

SHRI BHOGENDRA JHA: Will you yield, Mamataji?

KUMARI MAMTA BANERJEE: Sir, somebody today said that only their party is clean and all the other parties are corrupt. Do you know this particular man?

His name is Pawan Kumar Didwania:

SHRI BHOGENDRA JHA: Permit me for Half a Minute.

KUMARI MAMATA BANERJE: Sir, one man has today pleaded just for CPI(M) party has said that their party is only the clean and all the other parties are. *chors*. The Enforcement Department has arrested one man because of FERA Golation because of the tax aviation and other things because thy are transacting their havala business from Calcutta to Singapore and Bangkok and this man's name is Pawan Kumar Dwania. He was arrested by the Enforcement Department and one CPM Barrister Pleaded for him.\*

So, Sir, the politicians must be honest. Those who have credibility can ask of the credibility, who have no credibility

(Kumari Mamata Banerjee)

cannot ask for credibility. They have lost all the credibility and now we have to take lesson from them. Of course, I cannot say, whatever the Congress has done, everything is correct. Who can do some work, they can do some blunders also, may be. But it is also said that the Congress Party have given the blood for this country. You know the Congress Party - Mahatama Gandhiji, Indira Gandhiji, Rajiv Gandhiji, Beant Singhji and so many innocent people - have given their blood for this country. Can you show me any particular leader from any other party who has given blood for the country? No. The Congress stands for the unity, integrity and stability of the country. Yes.

This hawala case has not started today. It is actually the fault of our system - election system, election machinery and that is why I think the need of the hour today is to bring reforms - the electoral reforms, the administrative reforms, the judicial reforms and at the same time the Lok Pal Bill where it should include all the Chief Ministers, the Prime Minister, all the Ministers, all the Public representatives and all the parties. I want, through this Bill, that the state funding should be there otherwise everybody will earn money.

Sir, it is matter of joke that for Rs. 50,000 one Minister has resigned. I am not supporting the corruption. But the think is that if you see throughout the country you will find that each Panchayat member is having lakhs of rupees. From where is this money coming?

18.00 hrs

Do you know that political leaders are going abroad? For what reason are they going to Swiss Bank? Is it a private tour? Tomorrow I will give you details. If it continues after 6 O'clock, I will give you details. Why has the Chief Minister of West Bengal gone to Switzerland? On a private tour? I have the Assembly reply with me. This is the Assembly reply. I am not misquoting it. They are asking for the Prime Minister's resignation. I want to give you the details....(Interruptions).....

SHRI RUPCHAND PAL: I am on a point of order Sir.

KUMARI MAMATA BANERJEE: The reply has been given in the West Bengal Assembly. I have got the document....(Interruptions)....

MR. DEPUTY SPEAKER: Let us hear the point of order. What is the point of order?

(Interruptions)

SHRI SOMNATH CHATTERJEE: I am on a personal clarification. I heard over the TV my name being mentioned.

SHRI RUPCHAND PAL: The lady Member has raised an issue which has no relevance to the subject of discussion...(Interruptions)... She was referring to the Assembly proceedings which has no relevance here. If she has to do it, she will have to authenticate and submit it on the Table of the House. Otherwise she cannot bring out false accusation against anybody.

Comrade Somnath Chatterjee is here, he will speak in reply to what has been said against him.

SHRI MANI SHANKAR AIYAR: I wish to make a submission. During the course of this debate this afternoon I asked the Chair whether the issue of St. Kitts can be raised in the course of this Motion. The Chair ruled that it was possible to do so because other issues of corruption can be raised. If it was legitimate for Shri Srikanta Jena to raise the question of ST. Kitts as a general question of corruption, there is no reason, in principle, why Ms. Mamata Banerjee should not be permitted to raise the question of corruption involving the Communist Party of India (Marxists).

SHRI RUPCHAND PAL: All that I said was that she will have to authenticate it and submit it on the Table.

DR. RAMCHANDRA DOME (Birbhum): She should submit the papers here...(Interruptions).....

KUMARI MAMATA BANERJEE: Yes, I am ready. This is the Assembly reply.

MR. DEPUTY SPEAKER: Now the time is 6 o'clock. We shall sit for 10-15 minutes more.

I was supposed to have appeared for one Didonia and applied for bail. Apart from the fact that it is totally false, it is deliberately misleading. If she has any honesty, she will resign, if she cannot prove it. Let us see that .....

(Interruptions)

MR DEPUTY SPEAKER: I am prepared to accept it.

KUMARI MAMATA BANERJEE: I stick to my point. In 1994, in the month of September or October, he pleaded for the man.

SHRI SOMNATH CHATTERJEE: Pleased for that man - which man?

KUMARI MAMATA BANERJEE: That Mr. Didonia.

SHRI SOMNATH CHATTERJEE: She said, I applied for bail, but I do not know what case she is referring to. She does not have the decency to tell me....(Interruptions) I may be

appearing for hundreds of men....(Interruptions) She should resign....(Interruptions) She specifically said that I applied for bail for some accused person like Didonia. Let her prove that. And if she has any sense of honesty, let her resign....(Interruptions) While coming from my room here, whether she has said some more lines. I do not know. That is what I heard and I immediately left my room to come here and protest against this. This is the way Parliament is being treated, in this manner. It is disgusting....(Interruptions)

SHRI SONTOSH MOHAN DEV: Whatever she has mentioned, he is now telling this....(Interruptions)

SHRI SOMNATH CHATTERJEE: I may have appeared for hundreds of persons. ....(Interruptions) I am not a briefless lawyer....(Interruptions) I never applied for bail for this person. I do not know any Didonia.....(Interruptions)

KUMARI MAMATA BANERJEE: There is no standard....(Interruptions)

SHRI SONTOSH MOHAN DEV: One minute, if it is wrong, definitely she will tender apology....(Interruptions) Mr Chatterjee has also said that he has not applied for bail ....(Interruptions)

SHRI SOMNATH CHATTERJEE: I have said, Sir, that - and let it be very clear- I have heard that I have appeared for a Didonia and applied for bail. ....(Interruptions) Why is he not allowing me to speak? ....(Interruptions) Let me speak please....(Interruptions) My reputation is involved..(Interruptions)

MR. DEPUTY SPEAKER: Let us not create any confusion. Let us hear him.

...(Interruptions)

SHRI SOMNATH CHATTERJEE: I told here, I said here that I heard that she mentioned and I heard on the television that I have appeared for one Didonia and applied for bail. I deny that I have appeared in my career for hundreds and thousands of persons and whether one Didonia was ever my client. I do not remember. But the point is that ....(Interruptions)

MR. DEPUTY SPEAKER: No, please allow him.

(Interruptions)

SHRI GHULAM NABI AZAD: I think, we can close it here, because it is not only in his capacity as a Member of Parliament, he is also an advocate....(Interruptions)

SHRI SOMNATH CHATTERJEE: Whatever I have said, I am definite. I have not applied for bail for any person....(Interruptions)

SHRI GHULAM NABI AZAD: As an advocate, he is supposed to do so many things and he must have done that....(Interruptions)

SHRI SOMNATH CHATTERJEE: Everybody in Calcutta High Court knows what I am doing there....(Interruptions)

SHRI GHULAM NABI AZAD: I am supporting your point only....(Interruptions) As an advocate, he has to appear in all types of cases....(Interruptions)

MR. DEPUTY SPEAKER: You kindly take your seat.

....(Interruptions)

SHRI SRIBALLAV PANIGRAHI: Mr. Deputy Speaker, Sir, I am reminded of Kalidas's verses which say;

[Translation]

"Skandam Na Badhte Raja,  
Tab Badhati Badhte."

[English]

In this melee, our senior and seasoned Parliamentarian, Mr., Somnath Chatterjee, probably quite out of disgust or something like that, while reacting to or giving his personal explanation has said certain things which should not go on record.

SHRI SOMNATH CHATTERJEE: I withdraw that one. Sorry. I withdraw that....(Interruptions)

MR. DEPUTY SPEAKER: He is a professional.

.....(Interruptions)

KUMARI MAMATA BANERJEE: Sir, as a professional he can speak for any case. I am not saying that.

.....(Interruptions)

MR. DEPUTY SPEAKER: Will you kindly keep quiet for a minute?

.....(Interruptions)

MR. DEPUTY SPEAKER: Madam, an M.P., suppose he is an advocate by profession, has got the right to file vakalat before any court.

....(Interruptions)

MR. DEPUTY SPEAKER: That portion is being removed.

KUMARI MAMATA BANERJEE: It is ture.

.....(Interruptions)

MR. DEPUTY SPEAKER: Refusal to file an affidavit goes against the ethics of the profession. So, there is no harm in filing. So, you kindly proceed now.

.....(Interruptions)

SHRI SOMNATH CHATTERJEE: Please tell us the basis. Can she do anything she likes? Is it a Market?

....(Interruptions)

MR. DEPUTY SPEAKER: Now, it is over.

.....(Interruptions)

MR. DEPUTY SPEAKER: It is not the job of the advocate to advise his client.

.....(Interruptions)

MR. DEPUTY SPEAKER: Do not unnecessarily beat the bush. It is over.

.....(Interruptions)

MR. DEPUTY SPEAKER: That portion is removed.

..(Interruptions)

MR. DEPUTY SPEAKER: If there are any derogatory remarks, we will look into it such they will be removed.

.....(Interruptions)

MR. DEPUTY SPEAKER: That portion is being removed.....

.....(Interruptions)\*

MR. DEPUTY SPEAKER: There is no meaning in losing the temper. Why should you lose temper? No, it is over.

.....(Interruptions)

MR. DEPUTY SPEAKER: I have removed that portion of the subject which is derogatory. I have removed it.

.....(Interruptions)

MR. DEPUTY SPEAKER: Please kindly resume your seat. Leave that subject. She will speak only for five minutes.

.....(Interruptions)

MR. DEPUTY SPEAKER: Kindly resume your seats

.....(Interruptions)

KUMARI MAMATA BANERJEE: Mr. Deputy Speaker, Sir, if any Member speaks on any subject I do not interrupt him because it is the fundamental right and the democratic right that if any Member wants to raise any issue he can raise it. I have listened to them carefully. I have not disturbed them. They have said that the Prime Minister has taken money. I have not said anything. I am not blaming Shri Somnath Chatterjee. What I am saying is that as an individual and as a professional he can appear in any case. We do not have any objection to that. But why I am raising this issue is that we politicians should look at ourselves in the mirror and then advise the people that you must be honest. If we are not honest we cannot advise the people.

.....(Interruptions)

KUMARI MAMATA BANERJEE: What is going on in this House? You are also watching, Will you allow me to speak or not?

MR. DEPUTY SPEAKER: You are allowed to speak

.....(Interruptions)

KUMARI MAMATA BANERJEE: Mr. Deputy Speaker, Sir, what I have said is that.

.....(Interruptions)

[Translation]

MR. DEPUTY SPEAKER: No, this is too much. I have removed that portion. That is being removed.

We want that discussion may be held against havala..... (Interruptions)

\* Not recorded.

[English]

If anybody is found guilty, of course, the Government have to take action, the court have to take action according to the law. But at the same time, so many hawalas are moving here and there all over the country.

....(Interruptions)

MR. DEPUTY SPEAKER: How much time do you need more?

.....(Interruptions)

KUMARI MAMATA BANERJEE: I need another half-an-hour, at least.

... (Interruptions)

MR. DEPUTY SPEAKER: Okay, in that case, you can continue tomorrow.

.....(Interruptions)

KUMARI MAMATA BANERJEE: Thank you, Sir....(Interruptions)

MR. DEPUTY SPEAKER: The House stands adjourned to meet again tomorrow, the 1st march, 1996 at 11 a.m.

**18. 15 hrs**

*The Lok Sabha then adjourned till Eleven of the Clock on*

*Friday, March 1, 1996/Phalguna 11, 1917 (Saka)*

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