

SHRI K. MAYATHEVAR : This political vengeance must be suspended, stopped and dropped. I do not advocate any political vengeance against this Party or that Party or any leader. You should not have any political vengeance.

At that time in November 1979, I pleaded with Mr. Morarji Desai, that he must treat Shrimati Indira Gandhi as his daughter and not as a political opponent. I told him, "If you convict and expel her from this House, you will be thrown from the Parliament within seven months. She is going to be the next Prime Minister." That is what I told in November 1979. Everything has happened. I am not a philosopher. I am not an astrologer....*(Interruptions)* I am an ordinary common human being. But I was talking, by my independent merit, truth. I mentioned the truth. I talked honestly. I defended honestly the grand daughter of Shri Moti Lal Nehru, and the daughter of the former Prime Minister Pandit Jawaharlal Nehru for justice. Everything happened in the political arena. Finally, the Janata Government was thrown out of power because of their undemocratic way of disposing of things.

Mr. Swamy was talking of opposing Emergency. I want emergency: although the DMK Party was suppressed very badly, materially suppressed by the Emergency, I now, want Emergency because then the prices would be reduced. Smugglers were let loose by the Janata Government. Now they are not arrested even though we are having the National Security Act. In Tamil Nadu, poor men, rikshaw-walas, coolies, workers in the factories, rural people, agricultural workers, are unable to earn their bread because the prices are going up. They are

unable to contain the price line. Therefore, I want the Emergency. But this should not be directed against the political opponents, against Mayathevar, Mr. Yadav or any political leader like Prof. Madhu Dandavate. It should be directed against black-marketeers, hoarders, smugglers and like that.

16-00 hrs.

We have the Commission of Inquiry Act. Under this Act, the commissions are appointed to act as fact finding committees. The inquiry commissions should act like special courts. I request that the Commission of Inquiry Act should be amended. The commissions should be invested with powers to punish the accused. Now they submit only reports to the Government. Justice delayed is justice denied. Through these commissions, robbers, black-marketeers, smugglers and political sharks are escaped. Whatever may be the public office that they hold, the corrupt politicians whether they are Chief Ministers, MLAs, MPs, Ministers including all the Ministers of this Government as well as other Governments should be punished. Although I support this Bill, I want the Inquiry Commission Act to be amended to punish corrupt politicians in this country. Then only we can have honest political leaders and political parties. With this, I support the Bill.

16-01 hrs.

DISCUSSION ON THE STATEMENT OF MINISTER OF PETROLEUM, CHEMICALS AND FERTILISERS *RE* TRANSACTION RELATING TO PURCHASE OF H.S. D. FROM MESSERS KUO OIL.

MR. SPEAKER : Before I call upon Shri Atal Bihari Vajpayee to raise discussion on the statement made by the Minister of Petroleum, Chemicals and Fertilizers today regarding

the transaction relating to the purchase of HSD from M/s. Kuo Oil in February, 1980, I would invite the attention of Members to the provisions of Rules 352 and 353 which read as under:—

“352. A member while speaking shall not—

- (ii) make a personal charge against a member ;
- (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms ;

353. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply ;

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation”.

In this connection, I would also refer to the decision in this regard taken at the meeting of the Speaker with Leaders of all parties and groups on 18 July, 1980 that—

- (i) The Member should give adequate advance notice to the Speaker and the Minister concerned.
- (ii) The details of the charges sought to be levelled should be spelt out in precise terms and should be duly supported by the requisite documents which should be authenticated by the Member ;
- (iii) The Member should before making the allegations in the

House satisfy himself after making enquiries that there is a basis for the allegations ;

- (iv) The Member should be prepared to accept the responsibility for the allegations ; and
- (v) The Member should be prepared to substantiate the allegations.

I would request the Members to bear these provisions in mind and refrain from making allegations of defamatory or incriminatory nature while participating in the discussion.

श्री अटल बिहारी वाजपेयी (नई दिल्ली) :

अध्यक्ष महोदय, मैंने तेल मंत्री श्री शिव शंकर के वक्तव्य को बड़े ध्यान से सुना और बाद में उसे बड़े गौर से पढ़ा भी है। उन्होंने जिस मामले पर वक्तव्य दिया है वह उनके जमाने का नहीं है वह मामला उन्हें उत्तराधिकार में मिला है। उत्तराधिकार को वह अस्वीकार नहीं कर सकते। वह एक चतुर वकील हैं। उन्होंने कोशिश की है एक कमजोर मुकदमे की अच्छी पैरवी करने की। इसके लिए उन्होंने 1980 के अखबारों की छानबीन की है। पहली दफा शायद सरकार को अपने पक्ष का समर्थन करने के लिए दो साल पहले के अखबारों का सहारा लेना पड़ा है। अखबारों का कहना क्या है इस पर भी मैं प्रकाश डालूंगा। अन्तर्राष्ट्रीय भावों की भी उन्होंने चर्चा की है। कुल मिला कर उनका प्रयास यह है कि भारत सरकार के दामन पर जो तेल के दाग लगे हैं उन्हें किसी तरह से धो दिया जाए। लेकिन ये दाग धुलने के बजाय उनके बयान से और गहरे हो गए हैं। मुझे उर्दू का एक शेर याद आ रहा है। इस सदन में शेर कहने वाले वैसे भी कम हो गए हैं—

PROF. MADHU DANDAVATE (Rajapur): He will become the President one day.

मन्मथ महोदय : मेरी क्षतिपूर्ति इन्होंने कर दी है।

श्री अटल बिहारी वाजपेयी : कपड़ा सड़ा गला हो तो मुमकिन नहीं रफू, सीते ये आस्तीन गरेबान फट गया, बारे गुनाह बढ़ गया उजे गुनाह से, घोने से और दामने ईमां चिकट गया।

मंत्री महोदय खड़े हुए ये सफाई देने के लिए लेकिन उन्हें कुछ बातें माननी पड़ी हैं क्योंकि वह तथ्यों को पूरी तरह से झुठला नहीं सकते थे। उन्होंने लीपा पोती करने की कोशिश की है। लेकिन वह कामयाब नहीं हुए। उन्होंने माना है कि तेल मंत्रालय ने 1980 के प्रारम्भ में जब उधर के लोग अपनी विजय के उल्लास में डूबे हुए थे और उनके सदस्य समझते थे कि चुनाव की विजय न केवल उनके पुराने अपराधों को माफ कर सकती है, लेकिन नए गुनाह करने की भी उन्हें खुली छूट देती है, इंडियन प्रायव कारपोरेशन को ताक पर रख कर तेल का सौदा किया। उन्होंने यह भी माना है कि सौदे में करोड़ों का घाटा हुआ। उन्होंने यह भी स्वीकार किया है कि उस सौदे से सम्बन्धित फाइल गुम हो गई। यह काम करने वाली सरकार है, जिसमें एक मंत्री द्वारा प्रधान मंत्री को भेजी गई सलाह के लिए फाइल गुम हो जाती, साल भर तक ला पता रहती है—

प्रो० मधु दंडवते : दो साल तक।

श्री अटल बिहारी वाजपेयी : दो साल तक गुम रहती है।

“मैं किसी पर निराधार आरोप लगाने के लिए खड़ा नहीं हुआ हूँ। लेकिन गोल-माल के साथ सम्भोजता नहीं किया जा सकता।

मंत्री महोदय ने अपने बयान में माना है कि टेंडर मंगाए गए। उसके लिए

जो नोटिस निकाला गया उसमें यह तो बताया गया कि कितनी क्वान्टिटी चाहिये, कौसी क्वालिटी चाहिये, पेमेन्ट का तरीका क्या होगा मगर, मैं कोट कर रहा हूँ :

“It did not specify whether quotations should be on a fixed price basis or on a variable price basis”.

यह तय क्यों नहीं किया गया ? इसको खुला हुआ क्यों छोड़ दिया गया ? अगर उस समय का तेल मंत्रालय और तेल मंत्री, श्री सेठी यहां बैठे हुए हैं, अगर वह इस सवाल पर निश्चित थे कि अन्तर्राष्ट्रीय बाजार में तेल के भाव बढ़ने वाले हैं और वैरिएबिल प्राइस पर तेल खरीदना हमारे लिये घाटे का सौदा होगा, हमें निश्चित दाम पर तेल खरीदना चाहिये, तो फिर जो टेंडर के लिये नोटिस निकाला गया उसमें फिक्स प्राइस की बात साफ क्यों नहीं कही गई ?

श्री के. पी. उन्नी कृष्णन (मडागरा) : किया था I will prove it.

श्री अटल बिहारी वाजपेयी : मैं श्री शिव शंकर जी के बयान की चर्चा कर रहा हूँ। 14 फर्म्स ने और दिये और उसमें से 4 फर्म्स ऐसी थीं जो फिक्स प्राइस पर देने के लिये तैयार थीं। यह तथ्य भी सामने आ चुका है कि जिस हांगकांग की कम्पनी को बाद में तेल की आपूर्ति करने का अधिकार दिया गया उसने दोनों तरह के टेंडर दिये थे। सचमुच में वह कम्पनी बड़ी चतुर थी। कुछ कम्पनियां ऐसी थीं जिन्होंने फिक्स प्राइस पर टेंडर दिये, कुछ ने वैरिएबिल प्राइस पर टेंडर दिये। मगर हांगकांग वाली ने, जिनके बड़े प्रभावशाली समर्थक नई दिल्ली में बैठे थे उसने दोनों दरवाजे बन्द करने की कोशिश की। मंत्री महोदय किधर

भी बुलकें हमारी गोद में गिरेंगे ऐसा प्रबन्ध उसने किया। अगर उसे अपना टेंडर रिवाइज करने का मौका दिया गया तो यह मौका बाकी की फर्म्स को क्यों नहीं दिया गया? लेकिन जो जानकारी मुझे उपलब्ध है और अध्यक्ष महोदय, आप स्वीकार करेंगे कि इस सम्बन्ध में पूरी जानकारी अभी तक न सदन के सामने आयी है और न देश के सामने आयी है, वह तो एक उच्चस्तरीय जांच से ही सम्भव है उसके अनुसार एक कम्पनी पर ही कृपा की गई। उसकी चर्चा मैं बाद में करूंगा।

अध्यक्ष महोदय, तेल के सौदे आयाल कोरपोरेशन करता है, मंत्रालय नहीं। तेल के भाव बढ़ेंगे या नहीं बढ़ेंगे क्या इसके ऊपर मंत्री महोदय का फैसला अन्तिम फैसला होगा? मंत्रालय में कौन से विशेषज्ञ हैं? आयाल कार्पोरेशन का उपयोग क्या है? उसमें विशेषज्ञ शामिल किये जाते हैं। वह संस्था एक स्वशासी संस्था है। अधिकांश सौदे आयाल कोरपोरेशन करता है। इस मामले में आयाल कोरपोरेशन की सलाह भी नहीं ली गई। कंसल्ट तक नहीं किया गया। अगर सलाह लेते तो आयाल कोरपोरेशन की सलाह स्पष्ट होती कि भविष्य में भाव गिरने वाले हैं और हम वैरिएबल प्राइस पर तेल खरीदने का फैसला करें। मगर यह फैसला मंत्री महोदय को मन्जूर नहीं था।

श्री शिव शंकर कहते हैं कि ऐरर आफ जजमेंट है। यह भी कहते हैं कि ऐरर आफ जजमेंट जनता सरकार में भी हुई होगी। हुई होगी। ऐरर आफ जजमेंट हो सकती है। लेकिन ऐरर आफ जजमेंट न होने पाये इसीलिये कुछ ऐस्टेबलिशड प्रीसीजर्स हैं। कुछ तरीके हैं, कुछ प्रणालियाँ हैं, कुछ प्रक्रियाएँ हैं। और उनमें से एक प्रक्रिया यह है कि आयाल

कोरपोरेशन यह सौदे करे, उससे सलाह ली जाय। मैं पूछना चाहता हूँ कि आयाल कोरपोरेशन के विशेषज्ञों का मत क्या था? फाइनेन्शियल एक्सपर्ट्स कोट किया गया है, इकनामिक टाइम्स कोट किया गया है। उसमें खबरें कैसे छपवाई गई, इसकी कच्ची कहानी भी मेरे पास है, मगर मैं जानना चाहता हूँ, जब मंत्री महोदय जवाब दें तो इसको स्पष्ट करें कि भारत सरकार के तेल विशेषज्ञों की राय क्या थी? उस राय को ताक पर रखने का फैसला किसने किया और क्यों किया?

क्या यह सच नहीं है कि एक एम-पावर्ड कमेटी जनता सरकार में बनाई गई थी? आयाल कार्पोरेशन के अफसर उसमें होते हैं, मिनिस्ट्री के भी होते हैं, वित्त मंत्रालय के भी होते हैं। एमपावर्ड कमेटी को ताक पर क्यों रख दिया गया, वाई-पास क्यों कर दिया गया? यह फैसला मंत्रालय में क्यों किया गया?

जिसे मंत्री महोदय ऐरर आफ जजमेंट कहते हैं, उसको टाला जा सकता था, अगर विशेषज्ञों की सलाह ली जाती, निश्चित प्रक्रिया में से गुजर कर फैसले किये जाते, मगर इरादे कुछ और थे। इसलिये यह भूल में किया गया फैसला नहीं है। यह फैसले की भूल नहीं है, यह जानबूझ कर किया गया निर्णय है जो कुछ लोगों को फायदा पहुँचाने के लिये किया गया। केवल एक उच्चस्तरीय जांच तथ्यों को सामने ला सकती है।

श्री शिव शंकर जी ने अपने बयान में कहा कि फाइल गुम हो गई। अध्यक्ष महोदय, मैं उन्हें धन्यवाद दूंगा कि वह फाइल की बात ले आये; इस लिये हमें उस फाइल की चीर-फाड़ करने का मौका मिल गया।

[श्री अटल बिहारी वाजपेयी]

उस समय तक सेठी जी जा चुके थे, श्री वीरेन्द्र पाटिल आ चुके थे। तेल का सौदा हो चुका था। श्री शिवशंकर जी कहते हैं कि आगे सौदा हो तो उसमें कौनसी नीति अपनाई जाये, इसका फैसला प्रधान मंत्री की सलाह से करने के लिये, फाइल प्रधान मंत्री जी के सचिवालय में भेज दी गई।

श्री सेठी जी ने प्रधान मंत्री की सलाह लेने की ज़रूरत नहीं समझी। सेठी जी के जमाने में मामला कैबिनेट में नहीं गया, मगर श्री वीरेन्द्र पाटिल ने सोचा कि यह बला कहीं हमारे गले न मढ़ जाये, तो उन्होंने फाइल भेजी, सलाह के लिये फाइल भेजी गई, श्री वीरेन्द्र पाटिल के पी० ए० ने फाइल ले जाकर दी, प्रधान मंत्री के एस०ए० को फाइल दी गई। यह एक महत्वपूर्ण मामला था, तेल की खरीद का मामला था, दुनिया में संकट था, सऊदी अरेबिया नीति बदलने वाला था, पता नहीं तेल किस भाव पर मिलेगा या नहीं मिलेगा, खेती, उद्योग खतरे में पड़ जायेंगे, वीरेन्द्र पाटिल चिन्तित थे, प्रधान मंत्री की सलाह लेने के लिये उत्सुक थे। उन्होंने फाइल दफ्तर के जरिये नहीं भेजी, अपने पी० ए० से कहा तुम स्वयं जाकर फाइल प्रधान मंत्री के एस०ए० के हाथ में रखो, यह बड़ा महत्वपूर्ण मामला है, और प्रधान मंत्री के सचिवालय में फाइल गुम हो गई। यह सरकार किस तरह से चल रही है? प्रधान मंत्री के सचिवालय का हाल क्या है?

मुझे आपत्ति है श्री शिवशंकर जी के बयान के इस हिस्से पर, जिसमें उन्होंने कहा है, मैं उद्धृत करना चाहता हूँ :—

“There seems to be no reminder about the file from anybody for nearly a year or so until early 1981”.

यह बयान तथ्य पर आधारित नहीं है।

क्या यह सच नहीं है कि आडिट ने दिसम्बर के महीने में इस फाइल की तलाश की थी? उस समय इस फाइल की खोज नहीं की गई। क्या आडिट को इस गंभीरता से लिया जायेगा, इस सरकार में? आडिट से कह दिया गया कि फाइल नहीं मिलती। उस समय फाइल क्यों नहीं ढूँढी गई? लेकिन अगर उस समय फाइल मिल जाती, तो पब्लिक अंडरटेकिंग्स कमेटी के सामने भी आ आती। चेहरा बेनकाब हो जाता। आडिट को भी मना कर दिया गया। मगर दिसम्बर में आडिट फाइल चाहता था, यह फाइल से सिद्ध किया जा सकता है। श्री शिव शंकर ने सदन को गुमराह करने की कोशिश की है।

सरकार ने आदेश दिया आयल कार्पोरेशन को कि तेल खरीद लो, लोएस्ट फ़िब्सड प्राइस पर खरीद लो। यह आदेश 22 फ़रवरी, 1980 का है। लंदन की कम्पनी को कहा गया कि 350 डालर प्रति मीट्रिक टन पर 30,000 टन एच एस डी मुहैया करो। उसी दिन का आदेश है, जिसमें कहा गया है कि हांगकांग की कुओ कम्पनी से 500,000 टन एच एस डी खरीदो 353.50 डालर प्रति मीट्रिक टन पर। एक ही दिन जारी किए गए एक ही आदेश में कीमत बढ़ा दी गई, हांगकांग की कम्पनी के लिए कीमत बढ़ा दी गई। क्या मंत्री महोदय रिकार्ड से सदन को बताएंगे कि उन्होंने लंदन की कम्पनी से कहा कि 30,000 टन का आफ़र हम स्वीकार कर रहे हैं, लेकिन हमारी ज़रूरत ज्यादा है, क्या आप ज्यादा एच एस डी दे सकते हैं? क्या और फर्मों से कहा गया?

यह हांगकांग की कम्पनी कौन है? क्या यह कोई नामी कम्पनी है? इसका पेड-अप कैपिटल कितना है? इसकी साख क्या है?

इसके हिस्सेदार कौन हैं ? क्या यह सच नहीं है कि यह एक साइन बोर्ड कंपनी है, एक जालसाजी है, यह एक घोखा है ? क्या इस कंपनी से हमने पहले भी सौदा किया था ? मंत्री महोदय जरा इन तथ्यों पर प्रकाश डालें ।

सच्चाई यह है कि हांगकांग की एक कंपनी को अनुगृहीत करना था, इसलिए इस कम्पनी को छांट लिया गया ।

एक एस्टैब्लिश्ड प्रोसीजर और था । विदेशों से तेल खरीदने के लिए हिन्दुस्तान में एजेन्ट या एजेन्सी नहीं चाहिए । हम सीधा सौदा करते रहे हैं । इस तरह का सरकार का एक फैसला भी था । ये हिन्दुस्तान में एजेन्ट कौन आ गए ? इस एजेन्सी को, जिसके बारे में कहा जाता है कि वह कम्पनी साईकल के स्पेयर पार्ट्स का बिजनेस करती है, कहा गया कि हांगकांग की कम्पनी से हमें तेल खरीदना है । सरकार ने हांगकांग की कम्पनी से सीधे बात क्यों नहीं की ? जिस मामले में गड़बड़ होती है, उसमें सीधे बात करने में थोड़ी शर्म लगती है, कोई बिचौलिया चाहिए । सच्चाई यह है कि यह सारा मामला बिचौलिए ने तय करवाया ।

ये इंडियन एजेन्ट कौन हैं ? क्या ये तेल के सौदे में पहले भी हाथ डालते रहे हैं या यह उनका पहला सौदा है ? क्या इनकी प्रतिष्ठा है और क्या इनकी साख है ?

श्री शिव शंकर ने फिनांशल एक्सप्रेस और इकोनामिक टाइम्स का हवाला दिया है । मेरी जानकारी के अनुसार ये खबरें छुपवाई गईं, ये न्यूज आइटम प्लांट किए गए और ये उनके द्वारा प्लांट किए गए, जो इस सारे सौदे से फायदा उठाना चाहते थे ।

मेरे पास इकोनामिक टाइम्स की भी प्रति है । फाइनेंशियल टाइम्स को आप देखिए, हिन्दुस्तान टाइम्स में भी एक ही तरह की खबर छपी । किसी पत्र में तो मैंने देखा है कि उसने अपने संवाददाता के नाम से खबर देने से इनकार कर दिया । उस ने कहा— ए कारेस्पॉण्डेंट । क्योंकि पत्र को चलाने वाले जानते थे कि यह खबर कुछ स्वार्थों की सिद्धि के लिए दी गई है । उसने अपने ऊपर जिम्मेदारी लेने से इनकार कर दिया । लेकिन पत्र देख लीजिए, जिसमें खबर छपी है । खबर एक ही है कि भाव बढ़ सकते हैं और फिक्स प्राइस के ऊपर खरीदना फायदे का रहेगा ।

यह गोलमाल है । करोड़ों रुपये के घाटे का सवाल है । पब्लिक अन्डरटेकिंग्स कमेटी इस मामले पर विचार कर रही है । लेकिन जब तक ऐक्शन टेकेन रिपोर्ट नहीं आएगी वह अपना निर्णय नहीं दे सकती । मैं इस सारे गोलमाल की जांच के लिए एक संसदीय समिति कायम करने की मांग करता हूँ । इस विशिष्ट सौदे पर विचार करने के लिए बने । उस संसदीय समिति का गठन आप करेंगे । हम किसी भी राजनैतिक उद्देश्य से यह मांग नहीं कर रहे हैं । लेकिन गोलमाल पर अगर परदा डालने की कोशिश की जायगी तो उससे लोकतंत्र मजबूत नहीं होगा । भ्रष्टाचार को अगर बढ़ावा दिया जायगा तो संसदीय लोकतंत्र शक्तिशाली नहीं होगा । हम एक उच्च स्तरीय समिति का गठन करें, उस के सामने सारे तथ्य आएँ ।

चलते चलते एक बात में समाप्ति पर और कहना चाहता हूँ । मेरे मित्र श्री राकेश ने 27 अप्रैल को सवालों के दौरान यह मामला उठाने की कोशिश की थी । श्री शिव शंकर जवाब दे रहे थे । श्री राकेश ने कहा कि

[श्री प्रटल बिहारी वाजपेयी]

क्या यह सच है कि कोई फाइल प्रधान मंत्री के यहां गई है ? श्री शिव शंकर का जवाब क्या था ? जवाब पढ़ कर तो उन्हें भोला शंकर कहने की इच्छा होती है।

“श्री शिव शंकर : प्राइम मिनिस्टर हाउस में ? मैं समझता हूं, आप को जो इन्फार्मेशन है वह या तो खामख्याली है या सच्चाई पर निर्भर नहीं है क्योंकि ऐसी कोई फाइल नहीं है जो प्राइम मिनिस्टर हाउस में मंगाई गई हो।”

जब श्री शिव शंकर कहेंगे कि मंगवाई नहीं थी, इसीलिए मैंने कहा कि मंगवाई नहीं थी। क्या वह शब्दों का खेल करेंगे ? क्या इतनी महत्वपूर्ण फाइल गुम होने के लिए प्रधान मंत्री के सचिवालय में किसी के खिलाफ कार्यवाही की गई या वहां भी लीपापोती की कोशिश की जा रही है ? ऐसा स्पेशल असिस्टेंट अपने पद पर रहने लायक नहीं है जो इतनी महत्वपूर्ण फाइल को गुम करने के लिए जिम्मेदार हो। लेकिन यह असावधानी नहीं है। यह अदक्षता नहीं है। यह भ्रष्टाचार के मामले को दबाने की कोशिश है। मगर जैसा मैंने प्रारम्भ में कहा था यह मामला आप जितना दबाएंगे उतना ही उमड़ेगा। ये तेल के दाग इस तरह से मिटने वाले नहीं हैं।

श्री एच० के० एल० भगत (पूर्वी दिल्ली): अध्यक्ष महोदय, मैंने अभी श्री प्रटल बिहारी वाजपेयी का भाषण बहुत गौर से सुना। बहुत ध्यान से मैं उनकी बात हमेशा सुनता हूं, बहुत इज्जत से मैं उन की बात सुनता हूँ। सभी सदस्यों की बात सुनता हूँ। उन की बात को खास तौर से सुनता हूँ।

उन्होंने कहा अभी कि श्री शिव शंकर बड़े चतुर वकील हैं। बात यह है कि बोलने

वाले तो वाजपेयी जी बड़े चतुर हैं। पार्लियामेंटेरियन हैं, बहुत जोर से बोलते हैं, शब्द भी बहुत जोर के होते हैं, होशियारी से बोलते हैं। इसलिए मैं खास तौर से उनकी बात को जरा ज्यादा ध्यान से सुनता हूँ। कहानी कहने में, कहानी बनाने में और खास तौर से कहानी को बढ़ाने में बहुत होशियार हैं।

मैं पहले वाजपेयी जी की लास्ट बात को लेना चाहता हूँ। उन्होंने फाइल की बात को लेकर बड़ी लम्बी-चौड़ी बातें कहीं और उससे इतना बड़ा इन्फोस ड्रा कर दिया कि फाइल ले गए और उसमें यह हो गया, वह हो गया और इतना भरसा बीत गया। आप मोटी बात जरा यह सोचें, जो डील हुई है उस पर मैं बाद में आऊंगा। पहली बात तो यह है कि जो यह कहा जाता है कि प्राइम मिनिस्टर के सेक्रेटेरियट में यह फाइल भेजी गई तो यह फाइल इस डील के बाद में भेजी गई। डील तो उससे पहले हो चुका था, उसके टेन्डर्स और आर्डर्स जा चुके थे, इश्यु हो चुके थे। जहाँ तक इस पार्टिकुलर केस में हांगकांग की फर्म को टेन्डर देने का ताल्लुक है, यह तो सब पहले ही 22 फरवरी को कंप्लीट हो चुका था। फाइल तो उसके बाद में भेजी गई। इसलिए उसके साथ इसका कोई ताल्लुक नहीं है। दूसरी बात यह है कि मिनिस्टर ने इस फाइल को इसलिए भेजा था कि आइन्दा क्या किया जाए, फिक्स्ड प्राइस पर दिया जाए या वैरिएशन प्राइस पर दिया जाए। इस बात के लिए फाइल भेजी गई थी, उस डील से इसका कोई ताल्लुक नहीं था। और बाद में यह बात तय हो गई कि वैरिएशन प्राइस पर दिया जाएगा। शिव शंकर जी की जिस बात को उन्होंने रिडिकुल करने की कोशिश की और यह कहा कि गलत बात है, साल भर में किसी ने रिमाइन्डर

नहीं दिया लेकिन 1980 में आडिट वालों ने फाइल को पूछा। लेकिन वह डील तो खत्म हो चुका था, क्वेश्चन इतना ही था कि आइन्दा के लिए क्या पालिसी हो। इसी बात के लिए फाइल वहाँ पर भेजी गई थी और उसके बाद वह चीज भी तय हो गई पेट्रोलियम मिनिस्ट्री में।

एक बात मैं और कहना चाहता हूँ। वाजपेयी जी ने कहा कि इसलिए फाइल वहाँ पर गई, इसमें बड़ा घोटाला और गोलमाल हो गया, कितने ही बड़े-बड़े शब्द वाजपेयी जी ने इस्तेमाल कर दिए लेकिन उसके मुकाबले में वाजपेयी जी ने एविडेन्स क्या पेश किया? कुछ नहीं, शेर पढ़ दिया, कह दिया कि जो आयल है उसके घन्बे नहीं मिटेंगे।

वाजपेयी जी शायद अपनी बातें भूल जाते हैं लेकिन मुझे याद है। जब जनता सरकार थी तब वाजपेयी जी ने कहा था कि हालात बड़े खराब हैं और अगर हालात ठीक नहीं हुए तो मैं तीन-चार महीने में त्याग-पत्र दे दूंगा। उसके बाद वाजपेयी जी के बयान आते रहे कि हालात खराब होते जा रहे हैं, लेकिन उन्होंने त्याग-पत्र नहीं दिया और दुनिया भर में घूमते रहे। वाजपेयी जी ने कह दिया कि शिव शंकर जी भोले शंकर हैं लेकिन वाजपेयी जी भूल गए कि अटल बिहारी वाजपेयी जी के बजाए उनको लोग आकाश बिहारी वाजपेयी कहते थे ...

श्री अटल बिहारी वाजपेयी : गगन बिहारी।

श्री एच० के० एल० भगत : ठीक है, गगन बिहारी।

श्री अटल बिहारी वाजपेयी : आज के विदेश मन्त्री भी कम बिहार नहीं कर रहे हैं।

श्री एच० के० एल० भगत : वाजपेयी जी कहानी बनाने में और गढ़ने में बड़े माहिर हैं। 1980 में उन्होंने सोचा कि पुराने गुनाह माफ हो गए अब नये गुनाह कर लो। हमें याद है कि 1980 में जब हम जीत कर आए थे तो उससे पहले जनता सरकार के जमाने में डीजल की क्या हालत थी? हमने देखा था कि किस तरह से सड़कों पर हजारों गाड़ियों की कतारें लगी रहती थीं और कितने ही ट्रक वाले और ट्रैक्टर वाले घूमते फिरते थे। उस समय डीजल की इतनी बड़ी शार्टेज थी। आपकी समझ में यह बात नहीं आई कि आपके हारने के जो कई कारण थे, उनमें से एक यह भी था।

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): I rise on a point of order.

MR. SPEAKER: Mr. Professor, I don't think you are right.

SHRI SATYASADHAN CHAKRABORTY: Let the House say he is right.

MR. SPEAKER: It is all right. He is on the track. He is talking sense.

SHRI SATYASADHAN CHAKRABORTY: He is not talking sense.

MR. SPEAKER: I am very much convinced that he is talking sense.

SHRI SATYASADHAN CHAKRABORTY: Do you think that he is talking sense?

MR. SPEAKER: Yes, exactly. That is my ruling.

SHRI SATYASADHAN CHAKRABORTY: Is he talking sense? How can you allow him? It is not relevant.

MR. SPEAKER: Show how.

SHRI SATYASADHAN CHAKRABORTY: How can you allow him when it is not relevant?

MR. SPEAKER: It is too bad. I don't expect it from you. Very bad. आप मेरी बात सुनिए। आप क्यों बोलते हैं, मेरी समझ में नहीं आता। अटल जी की बात लोगों ने प्यार से सुनी थी। आप डीजल की बात कर रहे हैं। शार्टेज की बात हो रही है, पीछे की बात हो रही है, आगे की बात हो रही है। लेकिन अगर कोई अलग बात होगी तो मैं अपने आप काट दूंगा। आप बीच में मत बोलिए, यह शोभा नहीं देता है।

श्री एच० के० एल० भगत : अध्यक्ष महोदय, मैं कोई ऐसी बात नहीं कहूँगा जो नहीं कहनी चाहिये। मैं यह कह रहा था कि उस समय डीजल की बड़ी मारी शार्टेज थी और हमारे उधर बैठे हुए जो भाई हैं, उस वक़्त वे जनता सरकार में थे, उनको शायद यह रियलाइजेशन नहीं है कि जिन कारणों से वे उस समय चुनाव हारे, उन में एक बात यह भी थी। इन्होंने इस का मजाक उड़ाने की कोशिश की है, आप के लिये यह मामूली बात थी, लेकिन हमारे जीतने के बाद हमारी सरकार के लिये यह सोचना कि डीजल का इन्तजाम जल्दी करना चाहिये, चार्ज लेने के फौरन बाद करना चाहिये, यह एक इमीडिएट नेसेसिटी है, यह सोचना स्वाभाविक था। श्री शिव शंकर जी के बयान में जो तथ्य कहे गये हैं मुझे अफसोस है कि बाजपेयी जी ने उन तथ्यों को रिफ्यूट नहीं किया। बात सिर्फ इतनी सी है कि उस समय मिनिस्ट्री ने जरूरत का अन्दाजा किया और यह राय बनी, सेठी साहब की यह राय बनी कि

फिक्स्ड प्राइस पर डील करना अच्छा रहेगा। इन्होंने अपने भाषण में कहा कि इनको कन्सल्ट नहीं किया, उनको कन्सल्ट नहीं किया, कन्सलटेशन तो सब हुआ है लेकिन उन्होंने ओवर-रूल किया। इस में क्लिअर-कट केस यह है कि उन्होंने आफिशियलज की राय को ओवर-रूल किया। उनका यह ख्याल था कि जो नार्मर्ज या रूलज बने हुए हैं उन के ऊपर ही मिनिस्टर के लिये दस्तखत करना लाजमी है तो यह डमोक्रेसी और कांस्टीच्यूशन के मुताबिक नहीं है। मिनिस्टर को अपने आफिसर्ज की राय को ओवर-रूल करने की पूरी पावर है और उस पावर के मुताबिक ही उन्होंने ओवर-रूल किया। इसलिये यह कहना कि कन्सलटेशन नहीं हुआ यह गलत है, उन्होंने आयल-मिनिस्ट्री के आफिशियलज की राय को ओवर-रूल किया—यह एक क्लिअर बात है।

अब दूसरी बात देखिये—जो तथ्य श्री शिव शंकर जी के बयान में दिये गये हैं, उस में उन्होंने कहा है कि हम ने कुछ तेल कुवैत से खरीदा, वैरिएशन प्राइस पर खरीदा और वह उस से भी ज्यादा महंगा पड़ा। हम सब जानते हैं कि उस आयल-मार्केट में आम तौर पर कन्फ्लिक्टिंग ट्रेंड्स चल रहे थे। कभी लगता था कि दाम कम हो गये हैं, कभी लगता था कि दाम ऊपर चले गये हैं, लोगों की अलग-अलग रायें थीं, उन सब हालात को देखते हुए उन्होंने तय किया कि तेल लेना चाहिए, लेकिन उसमें नुकसान हो गया। चूंकि नुकसान हो गया, इस लिए उनको हर बात में गोल-माल दिखाई देने लगा। बाजपेयी जी की बात से ऐसा लगा कि जैसे उन्होंने ही इस सारे मामले को डिस्कवर किया है जबकि यह बात पब्लिक अण्डरटेकिंग कमेटी की रिपोर्ट से सामने

आई। उस कमेटी में कांग्रेस के सदस्य मंजोरिटी में हैं, ऐसी बात नहीं है कि आप खुद इसको निकाल कर ला रहे हैं। ...

श्री अटल बिहारी वाजपेयी : आपकी मदद से निकाल कर लाया हूँ।

श्री एच० के० एल० भगत : मेरा कहना है कि आदत बन गई है कि हर जगह कुछ-न-कुछ सूंघना जरूर है। बबू हो या न हो, अपनी नाक में अगर बदबू है तो हर जगह बदबू दिखाई देती है। कोई एविडेन्स नहीं है। कोई सबूत लाते, एविडेन्स लाते; बगैर किसी एविडेन्स के एलीगेशन लगा देते हैं। मैं वाजपेयी जी को एक जिम्मेदार लीडर मानता हूँ और फिर वह दिल्ली से चुने गए हैं—एक नाता यह भी है।

अध्यक्ष महोदय : कांस्टीच्यूएन्सी पड़ोस में है या नहीं ?

श्री एच० के० एल० भगत : इन्होंने एक बात यह कही कि टेण्डर इन्वाइट किये गये। मैं इकोनामिक एक्सपर्ट नहीं हूँ, टेण्डर की बात समझता भी नहीं हूँ, लेकिन एक बात कहना चाहता हूँ—टेण्डर फिक्सड प्राइस पर मांगे जाते या वैरिएशन प्राइस पर मांगे जाते, लेकिन यहां तो सरकार ने दोनों बातों को अपने हाथ में रखा है, जो ठीक लगेगा वह करेंगे—इसमें क्या बुराई की बात थी? ... (व्यवधान) ... आप जरा चुप रहिये। मैं जो बात अब कहने जा रहा हूँ वह जरा चुभेगी। मैं पूछना चाहता हूँ—क्या ऐसा पहली बार हुआ है? मैं श्री शिवशंकर जी से पूछना चाहता हूँ—उन्होंने कुछ थोड़ा सा कहा है, पता नहीं क्यों डरते-डरते थोड़ा सा कहा है—1977-79 के बीच में इस प्रकार के सीदे हुए होंगे।

मैं यह डेफिनीटली कहना चाहता हूँ कि सन् 1977 और 1979 के बीच में पीपर के मामले में, सीमेंट के मामले में लांग-टर्म फिक्सड प्राइस पर सीदे हुए हैं, जिनसे नुकसान हुआ है। मैं यह डेफिनिट एसर्शन कर रहा हूँ। मैं वाजपेयी जी की तरह कहानी नहीं गढ़ रहा हूँ और मैं यह नहीं कह रहा हूँ कि घोटाले हुए हैं इसमें एरर आफ जजमेंट हो सकता है, अन्दाजे गलत हो सकते हैं और अन्दाजे सही भी हो सकते हैं लेकिन मेरा डेफिनिट एसर्शन है कि जब वाजपेयी जी कैबिनेट में थे, तो उस समय भी ऐसे डील्स हुए हैं लांग-टर्म फिक्सड बेसिस प्राइस पर, जिनमें आगे चल कर नुकसान हुआ है और पता नहीं हमारे शिव शंकर जी इस मामले में क्यों दबे-दबे से बोल रहे हैं क्यों इतना कम बोल रहे हैं। मैं यह नहीं कह रहा हूँ कि घोटाले हुए हैं या नहीं हुए हैं।

एक बात और इन्होंने कही कि यह फैसला मिनिस्टर ने खुद कर दिया और कैबिनेट में इसको क्यों नहीं भेजा, सेठी जी ने प्राइम मिनिस्टर को क्यों नहीं भेजा। एक तरफ तो ये कहते हैं कि यहां पर सिर्फ प्राइम मिनिस्टर ही सब कुछ हैं और उनके अलावा कोई कुछ नहीं कर सकता और दूसरी तरफ वे यह कहते हैं कि मिनिस्टर ने खुद फैसला कर दिया। यह मामला ऐसा नहीं था कि प्राइम मिनिस्टर को भेजा जाता या कैबिनेट को भेजा जाता कायदे के मुताबिक। मिनिस्टर के पास पावर थी और उसने इस पर फैसला कर दिया और कैबिनेट में यह नहीं गया। मैं काउन्टर चार्ज लगाता हूँ कि आप के जमाने में गोल्ड आक्शन जैसा इम्पोर्टेंट फैसला, जोकि एक इम्पोर्टेंट पालिसी डिजीजन था, कैबिनेट से नहीं हुआ और आप चुप रहे, मंत्री होकर भी बोले नहीं और मैंने इस हाउस में कहा था :

[श्री एच० के० एल० भगत]

It is one of the greatest scandals and a criminal conspiracy to cheat the country.

हमने उस वक्त कहा, तो उस वक्त ये नहीं बोले और आज वाजपेयी जी को कैबिनेट रैस्पोंसिविलिटी की याद आ गई। ठीक है मैं यह कहना चाहता हूँ कि इस तरह की बात, एक मनगढ़ंत बात नहीं कहनी चाहिए।

फिर इन्होंने यह कह दिया कि जो प्रसंगों में छपा है, मालूम है कि उसे लिखाया गया, एक कोरेसपोण्डेंट से लिखाया गया है। आप जैसे स्टेचर और कैलीवर के आदमी से हम बड़ी बात की आशा करते थे और ऐसी छोटी-छोटी दलीलों की नहीं।

इसके बाद इन्होंने कहा कि एक पार्लियामेंटरी कमेटी बननी चाहिए। यह पब्लिक ग्रन्डरटेकिंग्स कमेटी किस की है? यह बाहर की है क्या? आयरलैंड पब्लिक ग्रन्डरटेकिंग्स कमेटी के पास यह मामला है और यह कहीं बाहर से इम्पोर्टेड नहीं है। इसी हाउस के मम्बर इस में हैं, कुछ इधर के हैं और कुछ उधर के हैं और ये ही इसको निकाल कर लाए हैं। इन्होंने कहा कि इस को एम्पावर नहीं किया गया।

“And this matter requires further inquiry or explanation”. Sir, already a committee of this House, the Public Undertakings Committee, a statutory committee, is going into the matter. और वे यह कह रहे हैं कि एक नई कमेटी बनाई जाए। क्यों वाजपेयी जी क्या आप को इस पब्लिक ग्रन्डरटेकिंग्स कमेटी पर भरोसा नहीं है?

श्री अटल बिहारी वाजपेयी : भरोसा है मगर उसके पास एक मामला नहीं है बल्कि अनेकों मामले हैं और उसे एक्शन टेकन रिपोर्ट के लिए रुकना पड़ेगा और हम जल्दी फैसला चाहते हैं।

श्री एच० के० एल० भगत : वाजपेयी जी को बड़ी जल्दी है। 1985 तो काफी दूर है। अभी तो बहुत दूर है 1985, इसलिए अभी जल्दी की कोई बात नहीं है।

The Public Undertakings Committee is already going into this question.

यह भी कहा गया कि एक्सपर्ट्स को क्यों ओवर-रूल किया। मैं आप को बताना चाहता हूँ कि एक्सपर्ट्स बाजमौकात बहुत काशस ओपीनियन देते हैं। बाजमौकात वे यह सोचते हैं कि हम कहीं ऐसी ओपीनियन न दे दें जिससे पकड़ाई में आ जाएं। उन की राय सही भी हो सकती है और गलत भी हो सकती है। मेरा भी अपना कुछ एक्स-पीरियन्स उन के साथ थोड़े दिनों का है। कुछ ने मदद की, कुछ की राय गलत थी और कुछ की राय सही थी, यह टाइम बताता है लेकिन यह जो सौदा हुआ, उस वक्त डीजल प्रायल की हमें बहुत ही जरूरत थी और उस में बाद में घाटा हो गया, तो यह कहा जाने लगा कि इस में घोटाला है और उस में सब कुछ हो गया। उस में प्राइम मिनिस्टर का नाम भी लोग खींच कर ले आए और प्राइम मिनिस्टर के सैक्रेटेरियेट में फाइल की बात भी कही। किसी ने कहा भी नहीं और न यह इनका केस है कि प्राइम मिनिस्टर के पास केस गया लेकिन फाइल को ले कर इनडाइरेक्टली प्राइम मिनिस्टर का नाम ले लिया। मुझे ताज्जुब होता है कि अभी तक इन्होंने कुछ सीखा नहीं। They continue to suffer from Indiraphobia, अभी तक ये उस को भूले नहीं हालांकि इनको काफी तकलीफ हो चुकी है। मैं यह कहना चाहता हूँ कि हम किसी घोटाले को दबाना नहीं चाहते, हमारी पार्टी किसी घोटाले को नहीं दबाना चाहती है और हम किसी किस्म के घोटाले के हक

में नहीं है लेकिन बगैर किसी एवीडेंस के, बगैर किसी बेसिस के, बगैर किसी फाउण्डेशन के, बगैर किसी चीज के इतनी बड़ी कहानी बना दी और यह कहा कि यह रुकेगी नहीं, चकती जाएगी।

अध्यक्ष सहोदय, हम जब यहां पार्लियामेंट में बैठते हैं और जब 12 बजते हैं, तो रोज 15 लोग खड़े हो जाते हैं। आप जोर लगाते रहते हैं और यह अपना जोर लगाते रहते हैं। हम लोग कभी-कभी बैठ कर देखा करते हैं और कभी बोलते भी हैं।

अध्यक्ष सहोदय : आप मुझ से तो सहानुभूति करते होंगे।

श्री एच० के० हल० मगत : आप से तो सहानुभूति रखते हैं। मगर इनको कौन रोक सकता है। ये किसी बात को यहां कहते जायेंगे, बाहर कहते जायेंगे। पार्लियामेंट इज द हाइस्ट फोरम अफ दिस कंट्री। हमें यहां पर कंक्रिट बातें, रेशनल बातें और फैक्ट्स पर बेस्ट बातें कहनी चाहिए और जिम्मेदारी के साथ कहनी चाहिए।

अन्त में मेरा कहना यही है कि वाजपेयी जी का जो अटक था वह बिल्कुल पोलिटिकल्ली मोटिवेटिड था। इस का मकसद कांग्रेस सरकार पर कीबड़ उछालना था। बरना इसके पीछे कोई दलील नहीं है, वजन नहीं है। हमारे शिव शंकर जी ने जो स्टेटमेंट दिया है वह फैक्ट्स पर बेस्ट है और कोई रीजन नहीं है कि उस पर हम टिप्पणी करें।

इन शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

SHRI NIREN GHOSH (Dum Dum): Sir, I affirm and confirm that what Mr. Arun Shourie has written in the *Indian Express* is substantially correct. It is a reflection on what took place in the Committee. This is the first point that I want to refer to. Secondly, the Minister said that it was an error of judgment and he has taken shelter behind these words. But, Shri Shiv Shanker Ji should know that it was precisely this error of judgment that was in the draft report. The Committee took it out and it did not agree to that. Otherwise, if there had been a consensus, we should have said that this was a case of unique corruption. It is their judgment.

SHRI BANSI LAL (Bhiwani): You were also a Member of that Committee.

SHRI NIREN GHOSH: Sir, now I would like to make certain points. Why was it that the file P.L. 20 was sent not to the Prime Minister's Secretariat but to her residence? Under what rule? When a Minister seeks the guidance of the Prime Minister on variable prices or fixed prices, why should it not go to the Secretariat? Why should it go to the Prime Minister's residence? Let me tell you**.

MR. SPEAKER: Mr. Ghosh, you keep the Committee still out of it. You just go about the deal. The Committee's report shall be discussed when it comes before the House. When Action Taken Report comes, we shall discuss. Now you keep this Committee out of it.

SHRI SUNIL MAITRA (Calcutta North-East): Why? Already there is a report of the Committee before the House.

MR. SPEAKER: That cannot be discussed.

SHRI SUNIL MAITRA: Why it cannot be discussed? He was a Member of the Committee.

अध्यक्ष महोदय : जब आप को पता नहीं है तो काहे को बहस करते हो। पहले इतना होता है, फिर एक्शन टेकन रिपोर्ट आयेगी, तब डिस्कशन होगा।

This settles the issue.

SHRI SUNIL MAITRA: How can you debar the House from discussing the document?

MR. SPEAKER: You cannot. If you do not know the rules, you see them. I have given my ruling and you should go through it. You discuss with your leaders. Why do you unnecessarily try to get up?

SHRI NIREN GHOSH : Kindly listen to me.

MR. SPEAKER: This is a deal which is being discussed. You talk about the deal and about the file.

SHRI NIREN GHOSH: Sir, I was taking up the arguments put forward by the Minister which is the subject-matter of the debate. He has referred to it in his statement. He has read it out. So, I am under compulsion to refer to certain facts.

Now, who is the Special Assistant to whom the file was handed over? Was this question asked in the Committee? I suppose it was.

SHRI BANSI LAL: Sir, I rise on a point of order. He is again referring to the fact as to whether this question was asked in the Committee or not. It should not go on record.

अध्यक्ष महोदय : आप अपनी सीधी बात करिए, जब कमेटी की रिपोर्ट का टाइम आएगा, उस समय आप को टाइम दूंगा, आप बोल लेना।

श्री सत्य साधन चक्रवर्ती : मामला ही सीधा नहीं है। (इश्वधान)

SHRI NIREN GHOSH: I will now raise certain other points. This is the first case where IOC and Ministry officials have been overruled. After this deal there is no such case. Why? Why were they overruled in a peremptory manner by the Minister when a file according to him goes to the Prime Minister to seek her guidance? Is it that without her decision and guidance Shri Sethi peremptorily took the decision? It is a wonder.

Secondly, Sir, all the established norms and rules regarding the sanctity of contract have been violated in this case. The sanctity of contract is this that you accept the lowest tender. It was not done and also all other tenderers who gave variable prices were shut out for fixed price contract and only this Kuo Oil was allowed to vary its fixed price and bag the contract. If this is not corruption then I do not know what it is.

Sir, in a falling market fixed price contract is always a dangerous thing. I have got International Oil bulletins with me and if the Speaker allows me time I would like to quote from them which would amply justify the fact that it was a market of falling price and there was glut in the market. Knowing that fully well they overruled. Even the empowered committee did not have any say in it. What is this procedure? Why did you do so? Why, if it is not for some purpose of corruption?

Now, Sir, on 5th April the file was found. On 7th April there was a meeting of the Committee fixed to finalise the report and there was no time left. Only he said that ** I say, it is wrong. It is a mild word. I say, it is a wrong thing.**

The least we have done is to take out that error of judgment, make further enquiries, and report and all that. There was no other alternative. So, that is the position, that the Committee was faced with.

MR. SPEAKER: Again you are referring to the point.

SHRI NIREN GHOSH: Now, this is a fit case.***

Because, more or less substantially the *Verbatim* reports have come out...***

MR. SPEAKER: You should not refer to my ruling at all.

(Interruptions)

SHRI HARIKESH BAHADUR (Gorakhpur): Some of the reports have come ; you have to give ruling.

MR. SPEAKER: That is open to the Committee.

SHRI NIREN GHOSH: In almost all the reports, COPU said about irregularities, squandering of money, etc. All the have been found out.

MR. SPEAKER: References to my ruling should be expunged. He cannot refer to my ruling.

SHRI NIREN GHOSH: The Fiftieth Report of COPU has already been before the Parliament. Big scandals have been unearthed. It is there in the Report. So, we should take all these into consideration. (Interruptions) It is also a fact that Shri Veerendra Patil was summarily relieved of his duties. Hon. Shri P.C. Sethi came on the scene to brush aside all rules, all procedures. It was said that for the express purpose of seeking PM's guidance, the file was sent. Without having the guidance, he over-ruled the Empowered Com-

mittee he over ruled IOC, he over-ruled this and that... (Interruptions). And perhaps, if that file is given to us we would find that the beautiful observations of Shri P.C. Sethi are there, which will bear any scrutiny whatsoever. Therefore, I dare say, you produce that file. The matter has been discussed. It is no longer a secret file. At that time, it was a secret file. Now it is an open file. You produce that file before the Parliament of India.** How did the deal take place? I should only say this: Somewhere I read that Shri P.C. Sethi asserts this—that in the meeting where the decision was taken, none else was present. But some people say one Hon. Member sitting on the Treasury Benches, an intermediary in the Kuo Oil, was also present in the meeting. (An Hon. Member: Which meeting?) It is for them to say. Rebutt it if you can. Sir, the entire thing has happened in such a manner that it is bound to arouse the suspicion of the public in general ; and, however, much you try to wash coal, it is always of black colour ; it remains always black. And this stigma that has come and attached to you will remain there. You will never be able to wash it. In the Committee you know also that there is no majority—minority—no minutes of dissent was given and one generally goes by the Chairman's voice and concensus and all that. There is some convention that has developed. Otherwise, perhaps many things would have come out in the report itself that has been submitted to Parliament.**

17.00 hrs

And I am informed that it has already appeared in the press. In the beginning, I have said that Mr. Arun Shourie's write up in an article in the *Indian Express* is substantially correct. So, it is there. So, what is the harm in putting the entire thing before Parliament? Now, in this case, there

***Expunged as ordered by the Chair.

**Not recorded.

[Shri Niren Ghosh]

is nothing special to make an exception since nothing has remained secret. It has come out. So, the entire deal from beginning to the end was in a hurry to give benefits to certain persons. The amount of loss is Rs. 9 crores or more. Obviously, some are benefited, not only the Kuo Oil Company but all those who engineered the Kuo Oil deal and put it safely and pushed through the deal. I say certainly that they are corrupt and it can be akin to bribery. Otherwise, such things do not happen and it is also peculiar—why has the Prime Minister remained silent? Whether this file has gone to her, we do not know. But it was misplaced; it was not sent to the Prime Minister. Nobody knows about it. Those things we are hearing for the first time from the Hon. Minister, Shri Shiv Shankar. So, why should it remain a secret? Why did she not, if not give guidance, at least orally tell the Minister. Since the file was handed over personally, there is no diary; even the date is unknown and the name of the Special Assistant to whom it was handed over is not known. Who is this Special Assistant? It was not divulged. It was kept secret.**

Otherwise, it is definitely some Members feel a deliberate case of corruption, deliberately done. So I do not know whether there will be a parliamentary probe or not. There might be. It is a suggestion that can be given. Let the Government acquit themselves of those charges there, and I hope that the Members, in such a case, in Parliament should behave impartially, in a non-partisan manner and they should go into the merits of the case and all those persons guilty of conduct should be punished. That should be the procedure. I do not know how the politics will end up and whether again the whole thing will end up with this discussion.

SHRI A.T. PATIL (Kolaba): Mr. Speaker, Sir I was very attentive to the debate and was expecting some best possible norms of parliamentary procedure and debate from the Hon. Members, especially, if you have got no objection, from the Hon. Member Shri Atal Bihari Bajpayee. His speech might perhaps be the best speech outside the House on the political forum, but this forum is not expected to be converted into a political forum where a smoke can be created to conceal the facts. This is a deliberative body, and we expect from the Hon. Members discussions on points supported by evidence and facts. That is so, because to my mind, Government does not merely consist of the ruling party; Government consists of this entire body; both the ruling party as well as the opposition form the Government of this country, and not only the ruling party. Therefore, it is expected that when the opposition members participate in the debate, they participate for the purpose of taking the Government ahead, or taking the society and the society's destiny ahead. We expect from the Members that they will state facts, or they will corroborate their allegations—the allegations must be firm—with reference to facts.

I have just taken down notes from the speeches of both the Hon. Members from the other side. The first Hon. Member, who spoke, referred to about 14 or 15 points in his speech. Fortunately, this House will appreciate that as the List of today's Business shows, what was to be debated was the particular statement made by the Hon. Minister and the issues contained therein. We were expecting from the Hon. Members from the opposition, who were there to controvert the statement of the Hon. Minister that they would say something about the statement of the Hon. Minister before the House that his statement was incorrect, wrong, false or something like that. But throughout their

speeches, I did not find any statement made by any of the two Members saying that a particular portion of the statement made by the Hon. Minister on this issue was wrong, erroneous or incorrect; not even incorrect, forget about it being wrong or erroneous. They did not even say that it was incorrect; they put forward their own surmises, their own inferences based on something which they merely suggest they know and the House does not know. I can narrate the points which the Hon. Member has stated one by one and let him say if he has controverted anything in the statement of the Hon. Minister. He did not.

There is only one point, to which he made a reference while speaking. So far as the recovery of the file is concerned, he said something about the statement. He said that the Hon. Minister said that there seemed to be no reminder for the file from anybody for a year or so, until early 1981; and Shri Vajpayee says: "No, no, there was a reminder, they were demanding the file since December, 1980". I can understand this statement which tries to controvert the statement of the Hon. Minister. The Minister says: "early 1981" and the Hon. Member says: "end of December, 1980". I can understand this. I can also understand the importance and the substance contained in the controversy and, therefore, I do not wish to refer to it at all.

Among the points that have been raised, one is about the tenders. Shri Vajpayee says that the tenders should have been called for containing the mode of fixation of price. Where is the necessity of it? The Hon. Member is a learned Member and a very honourable Member, and he knows the business in life and business in society. He questions as to why that particular condition demanding from the tenderers to fill in the specific mode of fixing the price has not been mentioned in the tenders. I do not understand why it is necessary. I

can submit to this House that there will be at least 80%, 90% even 95% of the tenders where such a mode is not called for. Why is the tender called for? It is for the tenderer to say what price he is going to pay and in what manner he is going to pay. If the price is to be set initially by the person who calls in the tender, then there is no sense in calling for the tender at all. Why should the tenderer fill in the form if he is not satisfied with a particular price. Not that it happens everywhere. Ordinarily, the mode of fixing price is left to the tenderer and there is nothing wrong. That is how this has been done. But he says "why"? If a very grave mistake has been found in the procedure or in the form of the tender, by the Hon. Member, for which he deserves all congratulations!

Another point that has been made is that empowered committee was bypassed. There is no reference in the statement either that the empowered committee was consulted or the empowered committee was bypassed. It is not known from what substance the Hon. Member has made this particular statement.

SHRI ATAL BIHARI VAJ-
PAYEE: I know it for certain.

SHRI A.T. PATIL: I am not going to challenge your statement.

SHRI ATAL BIHARI VAJ-
PAYEE: You dare not.

SHRI A.T. PATIL: I did not invite a challenge. I don't know on what evidence it has been based. He could have very well stated this evidence in his speech that this is what has been done and therefore the particular committee which has an authority to say something on the policy-making of a particular subject was by-passed. Now this was a matter of policy. The question is whether a fixed price contract should be accepted or

[Shri A. T. Patil]

whether a contract containing the escalation clause should be accepted or a variable price should be accepted? That was a matter of policy within the jurisdiction of the Minister and the Cabinet.

Then the Hon. Member said, why did the subsequent Minister refer the matter to the P.M. and why the earlier Minister did not? Well, the Minister has at least certain powers. When the Hon. Members from the Opposition were in the Ministry, from their experience, they should know their powers under the Statute.

SHRI HARIKESH BAHADUR:
It is not for misuse.

SHRI A.T. PATIL: At least they have to know. If they don't know it is a different question altogether. But it is expected that they should know. If the Minister has certain powers because the Cabinet is a decision-making body on policies—, a Minister takes a particular decision. If a subsequent incumbent of that particular Office feels, probably due to pressure from the interested persons in authority or otherwise—I do not wish to say anything; that particular interest may be anywhere; it may be here, it may be there, it may be somewhere else; they may be in position, they may not in position, but there are interests in the society and perhaps they may like to mould or direct the policy in a particular direction; and when such a question arises, is it not proper for the Hon. Minister to take guidance from the leader, viz., the Prime Minister? And if he takes guidance from the Prime Minister, what is wrong therein?

Much has been made about the missing file by both the Hon. speakers. Fortunately for this House a Statement has already been made by the Hon. Minister; and it has not been touched by anybody to any extent. It is

impossible for them to touch. He says:

“As the position stands, the file was neither brought to the notice of the Prime Minister, nor her orders or directions were sought thereon”.

Now, this too after the deal was entered into.

PROF. MADHU DANDAVATE:
Why was it sent to her residence? Was it just for a change of climate?

SHRI A.T. PATIL: Prof. Dandavate, you will appreciate, because you were in the Ministry, you must know the procedure. Perhaps I need not remind the Hon. Members, that a Minister is a Minister for twentyfour hours.

PROF. MADHU DANDAVATE:
That is true.

SHRI A.T. PATIL: That is true. Very good. If the Minister is a Minister for 24 hours....

PROF. MADHU DANDAVATE:
Nobody is a part-time Minister.

SHRI A. T. PATIL: I did not speak about part-time. There may be a part-time Minister sometimes somewhere. I do not know about it. If the Minister is a Minister for 24 hours is it not his authority to deal with the matter entrusted to him at any time available to him? If that is so, is it not the authority of the Prime Minister, is it not the right of the Hon. Minister from her Cabinet to consult each other at a time which they find convenient; or is it necessary that the file must necessarily be brought either to the Parliament House or to the South Block-Government offices? Is it necessary that it should be dealt with there?

PROF. MADHU DANDAVATE: I am not objecting to the file to go to her residence in place of office ; I have not raised that controversy. I only wanted to say that it had gone to the Prime Minister.

SHRI A.T. PATIL: Yes, it had gone to the Prime Minister, there is no doubt about it ; we accept it. Therefore, two things are very clear about this file. The first thing is that so far as the Prime Minister is concerned, the file was sent to the residence of the Prime Minister only after the deal was struck ; the entire transaction was over in the sense I mean to say that the Prime Minister had at least no say in this particular transaction ; that is the most important thing. Because you will find that an attack is sought to be made both from inside the House and outside in the Press and everywhere, not on the Hon. Minister Shri P.C. Sethi or Shri Shiv Shankarji, but the target is the Prime Minister and through her the entire party that way.

AN HON. MEMBER: That is correct.

SHRI A.T. PATIL: Very good. They come out with the truth. If the target is the Prime Minister, if that is so, they are frustrated and defeated ; they have fallen. The reason is very clear that when this particular transaction was made, the Prime Minister was not in the picture at all ; and none of the members of her family was in the picture ; she had nothing to do with that particular transaction.

The second aspect of this file is because much has been made on that particular aspect—that when this file was sent, she could not see even the file or any page.

PROF. MADHU DANDAVATE: Missing !

SHRI A.T. PATIL: Either missing or otherwise, it is not missing ; you should say, misplacing.

DR. SUBRAMANIAM SWAMY: One "Miss" !

SHRI A.T. PATIL: One miss was involved ? Either you may know it better or you may consult your friends. I do not know anything about it. (*Interruptions*). That you know better. Why should I ?

The question is that it was misplaced. Why was it misplaced ? It is now found and that it is with the Government and the Committee on Public Undertakings is fully now entitled to call for, if necessary, if it so desires the file ; it can examine the file ; it can comment on the file, it can pass any remarks, prepare any report and make any recommendation with respect of the file. So, there is no concealment about the file. The second aspect is that the Prime Minister has never looked into that file. A clear statement in unambiguous terms has been made by the Hon. Minister ; it has not been controverted ; it cannot be controverted.

The third aspect is that the file is now with the Government and therefore with the Committee on Public Undertakings and therefore with the Parliament in a sense through the Committee ; and therefore there is not hiding about it, no concealment, no fraud, nothing wrong about it. Therefore, they find it now very difficult because they have taken a stand that there is something wrong, shady with this particular deal. Now they are always in the habit of doing it. You will kindly excuse me. (*Interruptions*).

AN HON. MEMBER: What is it ?
(*Interruptions*)

SHRI A.T. PATIL: I will give you two instances that will be sufficient for me. One is, they had expected that something was wrong with the time capsule which was buried at the Red Fort.

(*Interruptions*)

DR. SUBRAMANIAM SWAMY: That is all wrong. You can go through it. *(Interruptions)*

SHRI A.T. PATIL: They opened it. When they got power, they just dug it out. Unfortunately, for them all their surmises and inferences....
(Interruptions)

DR. SUBRAMANIAM SWAMY: It is not correct. It was absolutely confirmed. I will challenge him.

SHRI A.T. PATIL: They could not find anything objectionable therein.

DR. SUBRAMANIAM SWAMY: There was. That is another debate.
(Interruptions)

MR. DEPUTY SPEAKER: Please permit him to speak. When you speak, you can mention.

SHRI A. T. PATIL: The second instance was, because this is all directed against the Prime Minister. I am referring to two instances. The second instance was that the site of her house, that land was just dug, ploughed, to find out whether there was a hidden treasure, black money buried by the Prime Minister in the ground. Nothing was found. Nothing was found! That was a story of suspicion. Because their mind is such that it is bound to be suspicious, but we pray to God. Let God give them some better mind. And if that is done, I think they will not indulge in such things.

SHRI SATYASADHAN CHAKRABORTY: Why are you suspicious?

MR. DEPUTY-SPEAKER : Shri Indrajit Gupta.

SHRI INDRAJIT GUPTA (Basirhat): Sir, both Mr. Bhagat and Mr.

Patil have sought to imply here that the charges which are being made from the Opposition side are, firstly, politically motivated and secondly they are all tall stories, exaggerated stories which have got no foundation in fact.

AN HON. MEMBER: I think you will admit. You agree.

SHRI INDRAJIT GUPTA: Now, I think the House has some respect, it is supposed to show some respect to the Committees of this House; especially to a Committee like the Committee on Public Undertakings, and generally we do not debate the reports of these Committees. But now inadvertently or indirectly, this report, the 47th report, has become the subject matter of some debate here. Now, putting it at its very least the concluding sentences of this report are as follows; please let me quote:

"However, it is clear that the subsequent events proved that it was not prudent—it was not prudent—to have gone in for the purchase. The Committee fail to understand why the normal procedure of processing the purchase proposals through the Empowered Committee was not followed in this case. They would await a further inquiry or an explanation in this regard".

Now, this statement is not my statement. It is the statement of the Committee on Public Undertakings which includes a large number of members of the ruling Party.

AN HON. MEMBER: Two-thirds.

SHRI INDRAJIT GUPTA: So, when a Committee says, a responsible Committee of the House says, that firstly they think that the purchases were not prudently carried out, and secondly that they do not understand why the normal procedure through the Empowered Committee was not followed; at least I think it is not appropriate for senior members of this House to try to dismiss everything by

saying that there is no basis, "it is all politically motivated, tall stories", and all that. Rather, everybody should feel, on both sides of the House, that what the Committee has said finally, that there is need for further inquiry, more inquiry, that at least should be supported by everyone. I think as a matter of fact this House ought to direct the Committee, the present Committee—of course, the old Committee is no longer there—it should direct the present Committee on Public Undertakings to take up this matter again and to probe further into it, rather than try to dismiss the whole thing as just nothing but smoke. We have heard a lot about the case of the missing file. It is not only a case of the missing file but it is a case of the missing Special Assistant also. The Special Assistant, who handled the file, is also missing. Nobody is able to reveal his identity, a strange thing. Nobody knows what his name was and who he was. This Special Assistant, to whom the file was handed over by the Petroleum Ministry and who was supposed to forward it to the Officer concerned in the Prime Minister's Secretariat, who had to put it upto the Prime Minister, cannot be traced afterwards as though there are so many Special Assistants, dozens of them, in the Prime Minister's Secretariat that nobody can find out and identify and locate this particular gentleman, who mislaid the file. After a year or more than a year, it was suddenly found, as Mr. Shiv Shankar says in his statement that some time towards the end of March or the beginning of April, when the Special Assistant was impressed about the urgency—it took him about one-and-a-half years to be impressed about the urgency through so many reminders were being sent—he seems to have made a thorough search of all the old bundles of papers and files in his office—that was *raddi* which was kept for selling, for disposal; the file was there, we are supposed to swallow this!—and could locate the file after a good deal of

effort. It is not our job to go and establish these facts. If there is something, which is certainly created a cloud of suspicion, it is the job of the Government to come forward with facts and all that and try to dispel it. But what is the kind of explanation given in the Minister's statement?

Then what happens? I regret to say that an attempt is made indirectly to criticise the Committee on Public Undertakings by saying that the Committee was informed about the availability of the file on the 5th of April, 1982, but they did not choose to summon the production thereof implying thereby that finally, after so long, when that un-named Special Assistant managed to recover that file from his whole bundle of *raddi* papers, this Committee was informed that now, it had been found and if they liked, they could give it to them. I do not know what the Committee had said. But the Committee was not interested afterwards. When was this done? On 5th April, 1982 when the life of this Committee was due to expire on 30th April. Anybody who worked in a Committee like this, knows very well the time when the life of the Committee is going to be over and the last report, final draft of that report, is to be finalised and placed before the House. Can it be changed at the last moment, 15 days before the expiry of the life of the Committee? It means that the whole thing was delayed to such an extent that it would become impossible for the Committee to take it into account when finalising its report. If the whole thing is to be dismissed just as 'a genuine case of misplacement of the file for which one really feels sorry'—that is what Mr. Shiv Shankar says—well, whether it was genuine misplacement or not, I cannot say, but it was an extraordinary thing to happen. It can happen to some other file any other day. A very important file dealing with matters concerning the security of the country or defence or anything is sent from one of the Ministries to the Prime Minister for urgent disposal, it is handed over to some Special

[Shri Inderjit Gupta]

Assistant, it is mis-placed and cannot be found for one-and-a-half years and repeated reminders are sent.

Here somebody has said that sending the file had no relevance to the deal because the deal had been concluded much earlier. But then I would like to know ; if that was the case, why is it that the Deputy Director of Commercial Audit of Petroleum is writing to the Secretary, Ministry of Petroleum saying: "we find the scrutiny is not complete, in the absence of the relevant case file of the Department of Petroleum ; the purchases are made and the record is maintained in the Ministry ; in view of this, the party may kindly be granted the necessary facilities for conducting the audit." That means that this file contains material, which was vital for the purpose of audit to make a proper scrutiny of this deal ; that is why they were asking for it. If the file was so irrelevant to the deal, then why is it that earlier these various officers were repeatedly assuring the Committee that "we are looking for it", "we are hunting to find it soon", "as soon as we find it, it will be given to you" ? How is it that none of the officers said that it does not really matter, because that is not relevant to the deal, it has nothing to do with the deal ? Instead of saying that, they were very agitatedly supposed to be hunting for the file, assuring the Committee, which was reminding them repeatedly, "Yes, we are looking for it, we will try to get it ; when we find it, we will give it to you as quickly as possible". They never took the plea that this file has nothing to do with the deal. Please tell us who has created this suspicion. There is an air of suspicion about the whole thing, and that requires to be dispelled. It is certainly not dispelled at all by Shri Shiv Shankar's statement.

Now it is said here in the statement that Shri Veerendra Patil was actually wanting to get guidance from the Prime Minister about a policy review

of this concept of "fixed price" "variable price" and all that. If even that matter is not a matter which has direct relevance to this deal, one would like to know what was in that file pertaining to a policy matter.

I think the Minister has not been able at all to dispel the suspicion which has been created by this file, which was intended for the Prime Minister, could never reach her. According to my information, it never reached her and nobody bothered about it. The Petroleum Minister, who was so much worried and wanted to get her guidance in this matter, he or his Ministry never bothered to find out what has happened, why the file never came back with the Prime Minister's opinion ; nobody bothered about it and no reminder went, he says, till sometime in 1981. Then why did Shri Veerendra Patil send that file ? If he wanted some guidance, when he finds the guidance is not coming, the file is not coming back, no news is coming month after month, nobody bothers about it. Are we expected to swallow this or what ? If that is the way the administration or the Government functions at the highest level, then it is a matter of concern for the entire House and the country.

When you reply, please try to answer some of these things and satisfy, not only the House but also the country outside, as to how you deal with files and how is it that when a Minister sends a file urgently for opinion, he is so absent-minded that he himself forgets all about it. We do not want to insult our own common sense. It should help us to see that our common sense is restored. Otherwise, I am suspecting my own intelligence ; I cannot understand it.

This is so far as the missing file is concerned. Then, so far as the missing Special Assistant is concerned, I do not know if he has been located or identified yet or not.

Now two or three words about the deal itself. . . . (Interruptions). I am not an oil expert at all ; most of us are not ; neither are the Ministers. They may be good lawyers and all that, but they are not oil technicians, unfortunately. I wish the petroleum minister in this country would be really a technical man, who knows something about the oil industry, for that matter the steel industry or the mining industry, as they have in other countries.

Now the whole case of the Government is built on the argument, apart from the urgency of the situation because the oil stocks were low and all that, it is built on the argument that the market at that time had come down, the prices had fallen and all the possible data that they had at their command showed that the prices were likely to go up again and, therefore, they decided that it is better to buy just now at the prevailing fixed price, and not go in for this kind of variable price formula which, in the context of the anticipated rising price, would later on cost the country much more.

Now, he has referred to some price movements which, according to him, are quoted from Platts Oilgram. I find one curious thing here. Mr. Shiv Shankar says that according to the quotations in Platts Oilgram, the average HSD spot price quotations had dropped between January 2 and February 1 by \$ 66.5 per tonne. From January 2 to February 1 means almost one month. Taking the whole one month period he is referring to the fact that price had dropped by \$ 66.5 per tonne. And then, he goes on to say: "but thereafter, between February 1 to February 7"—taking only six days, this time it takes only 6 days—"it registered an increase of \$ 14.50 per tonne". So, the comparison is being made. Fluctuations are always there, as we know, up and down, but the comparison is being made between a fall which is calculat-

ed over a period of one whole month and a much smaller rise over a period of 6 or 7 days. I think it is not a very scientific method of determining anything and on that basis it is said that there was likely to be an upward movement of prices and therefore, they decided all this. You would kindly tell us whether the downward fall in prices was on the basis of spot prices and the upward trend which was visible for a few days was also on the basis of spot prices or was it a posted price. There is difference between the two.

I do not want to repeat all the things which Mr. Vajapyee has said about the agency which came in and all that. My information also is that the so-called Indian agent had no previous experience whatsoever in oil transactions. If he had, please tell us. And he was supposed to be dealing with cycle spare parts and sports goods and that kind of a thing, which certainly has no relevance.

DR. SUBRAMANIAM SWAMY: You have to oil the cycle also'.

SHRI INDRAJIT GUPTA: Is it not a fact ? I would like to know. What are the antecedents and what are the *bona fides* of such an agent ? Because, everybody is otherwise liable to suspect that the agent came into the picture only for the purpose of taking a fat commission. We do not know how much commission was given. But the Committee itself has concluded by saying that we find that the purchases were not prudently made. What does it mean ? And why was this Empowered Committee by-passed ? He has to answer this question. There is a certain procedure, there is an Empowered Committee with the representatives of the Ministry of Finance, Ministry of Petroleum and other people on it ; that has to be processed by that Committee. Why did the Minister by-pass that Committee ? Why were the orders issued directly for concluding

[Shri Inderjit Gupta]

this deal? That has to be answered. You cannot brush these things aside by saying that this is all political motivation or the Janata Government had done something—I do not care what the Janata Government did; I do not hold any brief for them. Both of you are likely to do similar things, I do not doubt it. But that is not the point at all.

So, Sir, I would like to ask two more questions. Is it not a fact that the Chairman of the Indian Oil Corporation at that time, Mr. C.R. Das Gupta, when he was asked specifically whether the IOC had been consulted—I do not say the IOC is to process the whole deal or to settle it; that is not the procedure. He was asked whether the Indian Oil Corporation had been consulted and he is reported as having said: "No, we were not consulted. You better ask the Government about it whether it is a fact or not".

The next question is whether the Directorate of Commercial Audit was repeatedly asking for the missing file on the ground that without it they would not be able to complete the scrutiny. Is it a fact or not?

The next question is: Is it a regular procedure? I do not know. When these files are handed over to the Prime Minister's office through somebody, through Special Assistant or somebody, no record of it is kept. No record is kept of it. No receipt or anything is taken to show that such an important file has been handed over on such and such a date, at such and such a time, by such and such a person to such and such a person. No record is maintained. If record was maintained it would not have been mislaid or missing so long. What is the procedure? I would like to know whether it is a fact or not that the Secretary of the Ministry at that time Shri B.B. Vohra had expressed his opinion. He was against the fixed

price deals for long term contracts, long term delivery at a time when prices were expected to fall. What was the opinion of the technical experts? Why was the deal made through Hindustan Monark Ltd., who claimed to be an agent of Kuo of Hongkong instead of directly with Kuo. What was this so-called Monark Co.'s experience in oil? Lastly, why was this empowered Committee by-passed? If these questions are not answered satisfactorily, Government will have itself to blame for having created this ugly cloud of suspicion. If it is justified, it has certainly led to a loss of Rs. 10 to 15 crores to the country. It is a serious matter and cannot be brushed aside. So, I would invite the Minister not to avoid but to reply to these questions.

SHRI K. LAKKAPPA (Tumkur): I never expected that Rule 193 will be misused or abused. Rule 193 is for discussion on a matter of public importance. I thought that the opposition would use this provision for a useful discussion on the functioning of democracy in this country. It is not the first or the second time that this is being done. I know it is to dig a big mountain and even not catching a small rat. The arguments advanced by them and the subject they have moved to-day are on the basis of conjectures or imagination of the contract deal. I do not know whether Shri Vajpayee has ever brought out some national issue of importance. The socio-economic changes, the price rise and all other issues have gone underground now. The character assassination, subject of corruption and contract deal and shady characters are coming up now because they have lost the wisdom. Functioning of the opposition is not on the basis of national issues but on character assassination.

I have gone through very carefully the statement of the Hon. Minister and also certain observations made by the Hon. Speaker. He has clearly

stated that there is not even an iota of evidence to show lack of understanding of the gravity of the situation, shady deal, corruption, etc. I do not know how Shri Vajpayee or Shri Dandavate has come out with this.

I doubt and this side also doubts the Janata rule. The officers functioning in this Ministry must have been instigated. The reasons may be well known. I would like to quote the relevant sentence of my dear friend Shri Shiv Shankar. I do not know why he has not elaborated this. He has stated in the para:

“Needless to say that in retrospective errors of judgement of this nature could not be ruled out even during the regime between 1977 and 1979”.

I would like that he would elaborate it.

Mr. Deputy Speaker, Sir, they have no other ground, no other reasons. Needless to say that in retrospective errors of the judgement of this nature could not be ruled out during the period between 1977 and 1979. I do not know in 1977 and 1979—Mr. Gupta is very much vehement now that he was not holding any brief for the Janata Party. But he was always in their parleys even to-day. The CPM is also in their parley and let them say.

The international contracts and the dealings of this nature is not new not only to Parliament, the administration but even in the Janata Government. Between 1977 and 1979, I would like to quote when I was also on the other side, near about one crore of rupees was misused and abused as the consequence of the contract of Cement, Pozlana Cement of which Mr. George Fernandes was the Industries Minister and Mr. Mohan Dharia was the Commerce Minister. I quite remember that even today.

That Government also sustained losses. Of course, I will never say because you sustained losses we should also sustain losses. But because this is the subject matter which has been raised—by and what ground and on what authority? Has there been any violation of rules? It is not so. He has clearly stated that the international contracts and dealings are based on the decision of the oil experts and he has also stated which I would like to quote for the benefit of this House:

“Interestingly, at that time a leading group of international petroleum economists reported the continued upward movement of the price indicators in view of the remaining uncertainties over future”.

Sir, the future of the oil industry was such and the fluctuation of price of oil and the situation under which we have been placed with the Government when the entire economy was collapsed by misuse and abuse of the Janata Government and the entire economy was in shambles and at that critical hour we stepped into the government. The people of this country are very great that they brought this Government on seeing the vices and all this committed by the previous Government.

They are not angles, they are also experienced of the administration and Mr. Vajpayee and Mr. Dandavate know all these things of the international deals and contracts which take place. These are the norms and these are the situations prevailed under that circumstances and even the striking of the deal of oil for the need of this country should not be taken as misconstrued or conjured. Mr. Arun Shourie, you know Arun Shourie who is working in parely with the Opposition—he may be indicating others in the Ruling Party and writing.**

(Interruptions)

SHRI BAPUSAHEB PARULEKAR (Ratanagiri): Mr. Arun Shourie is not a Member of this House.

(Interruptions)

SHRI K. LAKKAPPA: I never said Arun Shourie....

MR. DEPUTY-SPEAKER: I will go through the record.

(Interruptions)

MR. DEPUTY-SPEAKER: I will go through the record.

(Interruptions)

MR. DEPUTY-SPEAKER: Anything comes under Rule 353 in whatever he said, I will go through the record.

SHRI K. LAKKAPPA: Sir, this is the situation and my friend has put a number of questions even when the Public Undertakings Committee has not completely concluded its deliberations and discussions. It is still getting information. They have not yet concluded their deliberations and discussions.

I do not know what is all this hurry, about and what made them to bring out this discussion under Rule 193. It shows that the Opposition has lost the ground of focussing the attention to important national issues and of bringing out a meaningful role of advising the Government on important matters, thus playing a constructive role of the Opposition. They have forgotten that. They are now indulging in this kind of character assassination, making fictitious charges and doing mud-sliding against the Government.

SHRI SATYASADHAN CHAKRABORTY: On a point of order, Sir. The Speaker has allowed this discussion under Rule 193. The Hon. Member is challenging the decision of the Speaker.

MR. DEPUTY-SPEAKER: He is only speaking about the discussion under Rule 193.

SHRI SATYASADHAN CHAKRABORTY: He is challenging as to why the Speaker has allowed it.

MR. DEPUTY-SPEAKER: He is not challenging.

SHRI K. LAKKAPPA: I appreciate the notings of the Speaker, even the description of that. But I say how they are immature to raise such a discussion on the floor of the House and waste the time of the House. The discussion is because there was a noting or a circular sent to the Prime Minister's Secretariat. They are very touchy about our Prime Minister because they have no roots outside. Therefore, they are making a mountain out of a mole-hill about the file that was there. My dear friend, Mr. Shiv Shankar, has rightly stated all the facts. What is the fact that we have concealed from the House? As to what are the reasons for entering into this deal, the Hon. Minister has elaborated all that in the statement and given all the facts right from the beginning and even the situation that was prevailing at that time, an expert opinion that was prevailing at that time, in regard to the fixation of the price and all that.

I do not know what has happened to my friends on the opposite. As to who negotiated it, what was the time, what was the amount involved, how it was passed, how it was done, is it a subject matter of discussion on the floor of the House? We have got many Ministries and crores and crores worth of rupees national and international dealings are going on every day. Is it that every contract is going to be the subject-matter of discussion in the House? I only say, sorry, to the Opposition, that they have lost all the norms and even common courtesy to pay respect to this House and also to enhance the prestige of the democratic functioning. The democratic functioning does not

mean bringing out fictitious charges, the charges of no consequence.

They have not brought out the important issues of national importance. The price rise discussion is not brought out; the drought and famine discussion is not brought out; the important socio-economic issues are not brought out; the 20-point economic programme is not brought out. They have only chosen this subject-matter in the form of discussion under Rule 193 because their names will be published in the press and because they have to play to the gallery. This is the sense and the wisdom that is prevailing in the minds of the Opposition. What about their consolidation of cards and forging of unity in the Opposition? Where is their programme of action? Where is their programme of strengthening democracy? They are teaching us this type of democracy. What is that they have brought out from this discussion? The Hon. Minister, Mr. Shiv Shankar, in his wisdom, has elaborated what has happened from 1977 to 1979, during the time of the Janata Rule. The shady character, the misrule and the abuse of the Janata rule could have been brought out by him. But I know, Mr. Shiv Shankar will never believe in indulging the character assassination against the Opposition. And that is our system and that is our preservation of democracy.

With these words I conclude.

SHRI K. P. UNNIKRISHNAN (Badagara): Mr. Deputy Speaker, Sir, on 10th September, 1981, when the House was debating the Supplementary Demands I wanted to draw the attention of the House to this scandalous Kuo-Monark deal but hardly had I uttered a sentence or two the irrepressible Minister for Communication—who is not here with us today—and who devotes more time for irrelevant points of order in the House than for looking after the communication network, stood up and prevented me from continuing. When I was continuously heckled, I sat down

in disgust. It is all on the record of the House.

I am happy, at this point of time, the deal has got some attention—thought not a through prob that is called for in the Committee of Public Undertakings which has also led to some animated debate in the Pre thanks to some inquiring minds like Arun Shourie.

I do not want to go into the details of the surrounding drama of this enquiry and at the massive operation cover-up that is involved in this case, I shall touch upon briefly on the main features of the anatomy of this sordid deal.

At this point of time, they will forgive me if I say that I am also not interested in the gang warfare that is going on between two set of Doo School fraternities,—one owing allegiance to the second son of the Prime Minister who alas is dead and gone and, another owing allegiance to the eldest son, the present heir-apparent.

AN HON. MEMBER: How does it happen?

SHRI K.P. UNNIKRISHNAN: I will come to that later.

I am sorry, however, that the Minister for Petroleum and Chemicals Mr. Shiv Shankar, for whom I have great respect, has become willing tool in this operation cover-up as is indicated by the statement that he made this morning and possibly as a leading advocate that he has been, this is the worst case that he has ever had in his life!

For quite some time I know and the world knows, the practice of the Government of India has been to entrust this task of procurement of crude and petroleum products and related matter to the Oil Coordination Committee—i.e., to accept offers from approved suppliers, a list of whom are maintained, evolve a set of

[S'ri K. P. Unnikrishnan]

criteria and negotiations and finalising the purchase of crude and petroleum products at given intervals of time and they are also in charge of making a forecast of requirements for the year. This Committee which is in charge of our procurement, has evolved its own procedures as approved by the Government of India and the Cabinet; although it is the Indian Oil Corporation, which signs the contract on behalf of this country; yet it is these very procedures, I would contend today, which have been violated in favour of an Agency firm—which has neither a past nor a future;—at least as far as oil trading is concerned! The truth is after the ruling party and its leader were swept back to power in 1980, a new coterie got into operation and were out for a kill. They tried to dig in every Ministry and every Corporation they could get into. They did not leave anything to chance as they were out for a kill—I repeat! A number of deals involving remarkable and unparalleled deviations from well-entitled procedures and policies followed in this country. This House had the opportunity to have a glimpse into some of these deals.

I had myself raised the question of Thal-Vaishet and Centurion Tank deals. To this distinguished category also belongs the so-called Kuo-Monarck oil deal: The pattern, the *modus operandi* and the methods might differ or vary; but all in the good cause of the global phenomenon.

AN HON. MEMBER : Very well said.

18-00 hrs.

SHRI K. P. UNNIKRISHNAN : I would like to pay my tribute today to some remarkable officers and managers who are still there in the Government of India and in some of these Corporations like the former Secretary of Petroleum Ministry Mr. B.B. Vohra who has faced the wrath

of both regimes, the Janata as well as the Congress-I, and former Chairman of the Indian Oil Corporation, Mr. Das Gupta, who withstood and tried to resist this no-holds-barred clique.

And what was this Tender No. 1/80 of I.O.C. which I had tried to raise on September 10, which I was prevented from raising and which resulted in a massive loss to the exchequer and involved gross misuse of authority? What is this missing file about? Why is it that an ordinary deal of procurement of 500,000 metric tonnes of oil and also kerosine to which he had not referred—I shall come to that later—is being talked about so much?

The Indian Oil Corporation floated a tender for this which was kept valid till 15th February and further extended upto 22nd February. From 15th to 18th, February, the then Minister for Petroleum, my good friend, Mr. Prakash Chandra Sethi, for whom I have great affection and regard, started taking an extraordinary interest in the fortunes of this particular tender. He recorded a historic note, as he did in some other cases, supporting a firm, fixed price and ordering rejection of other offers and emphasizing that there should be no negotiation on prices and indeed expounded a new doctrine of indeterminate liability! I shall come to the details of this doctrine later. Now.....

MR. DEPUTY-SPEAKER : A Half-an-Hour Discussion is there. Do we take it up after this discussion is over?

SOME HON. MEMBERS : Postpone it.

MR. DEPUTY-SPEAKER : I am glad to announce that the Minister has already requested the Member and the Member has agreed for the postponement of the Half-an-Hour Discussion.

Mr. Unnikrishnan may now continue.

SHRI K. P. UNNIKRISHNAN :
Before I go back to the way in which this doctrine was expounded and practised, I want to come to the present incumbent of this office for whom I have great regards and no disrespect whatsoever. He made a statement, an astounding statement, this morning, on which I would like to challenge him. Mr. Shiv Shankar, in his statement, says :

“It did not specify whether quotations should be on a fixed price base or on a variable price base; therefore, it was open to tenderers to submit quotations on either of these two bases or a combination of these two.”

Sir, what are the facts ? The instructions accompanying the tender I am challenging him on this point—clearly said that the price quoted should be related to the *Platts Oilgram* price as on January 29, 1980; further, it is said that, if the *Platts Oilgram* did not publish the quotation on the concerned date, the postings immediately before that date were to be the points of reference. What does it mean ? There was to be a point of reference relating to the price. Does it mean a fixed price or does it mean a variable price ? I challenge the Minister today to disprove me. Either he will apologize to the House for deliberately misleading the House or if I am found wrong, I am prepared to take any punishment that you would offer. I would want him to lay on the Table of the House all the filled up tender forms with instructions so that we can find out whether it was to be variable price or fixed price, whether there was a reference to the price of January 29, 1980, of *Platts Oilgrams* or not.

Going back to my elder brother, Mr. Sethi, meanwhile, pressures were being exerted all around in a desperate bid to clinch the deal. Only he got involved in the vortex of forces and persons beyond his control.

You see I will not blame him entirely. I blame him for what he did. But he was caught up in the vortex. But in this process my dear friend, Mr. Sethi even forgot the existence of an Oil Co-ordination Committee.....

MR. DEPUTY-SPEAKER :
Sometimes he is your brother and sometimes he is your friend also.

SHRI K. P. UNNIKRISHNAN :
Oh, yes ! A friend can also be a brother.

MR. DEPUTY-SPEAKER : Because a brother cannot be a friend ?
.....(*Interruptions*)..

SHRI K. P. UNNIKRISHNAN :
The Secretary objected and rightly, so on valid grounds, backed up by the confidential information and knowledge of international market condition in a note of February 1980. Since they failed to persuade these officers, this coterie again went back to the Minister and the Minister puts up another note of February 21, saying ‘The prices have hit rock bottom.’ Please refer to the *Platts Oilgram and the International Petroleum Service Bulletin* of February 21, 1980 and they offer some strange figures of price trends. The truth unfortunately as usual was not on his side. The *Platts Oilgram* which is an international telex service regarding prices of crude and petroleum products and developments in the market from day to day and hour to hour showed a continuously declining trend of price movements.

You may ask what is *Platts Oilgram* ? What is its authority ? As some people said, what is all this you are talking about ? All I can say is that *Platts Oilgram* is *Platts Oilgram*; and it is not *Indore Samachar*. So, *Platts Oilgram* showed a declining trend from a peak of \$382.11 on 9-1-1980 to \$339.47 on 13-2-1980 and on the day Mr. Sethi recorded his note it was \$333.16. That is before his second note.

[Shri K. P. Unnikrishnan]

Sir, where did the Minister get his market intelligence, I would like to know. Who took him for a ride? Otherwise he has to tell us. Who mislead him. Or was he deliberately misleading the people involved? What was their market intelligence? What were the normal procedures or what 'global phenomenon' was bothering him? As the Minister continuously kept on saying this morning about the 'urgency' and 'the special requirements' so on and so on, his successor would have us believe, as he did to-day, that Sethi was pouring midnight oil to study the world price trends of oil and oil products and what the economists were writing on this beyond the *Platts Oilgram* and the *International Petroleum Service* and evolving his own doctrine of indeterminate liability in this process. But why did he not put a small question? He had a committee and why did he bypass this committee?

But on February 22, 1980, the deadline that was given, having been dissatisfied with the performance of his own officers, he gave a directive and recorded a third note, saying (a) no further extension of time and (b) the IOC is directed at once to conclude a fixed price contract. Secretary, Mr. Vohra had, therefore, no option and directed the same day the IOC to accept the fixed price offer dated 22-8-1980 of Hindustan Monark. Suddenly the cat was out of the bag. The agent and not the principal, the Hindustan Monark was mentioned on the file. I do not know why the Secretary specifically mentioned not the principal but the agent....

MR. DEPUTY-SPEAKER: Please conclude.

SHRI K.P. UNNIKRISHNAN: Is it the policy of the Government now to deal directly with the agents or do they deal with the foreign suppliers?

What has been the practice and what is the practice now? I would like to know.

After having directed on 15th February that he would consider only fixed offers, the Minister went on to violate his own order to help Hindustan Monark and Kuo Oil because their offer was not the fixed price offer at all. Also, after doing this, he specially allowed Kuo Oil, the only one firm to be given such permission to submit a revised offer—transforming their variable price formula into a fixed price formula and vitiating tender procedures.

Therefore, as I said and I repeat Shri Prakash Chand Sethi, violated his own earlier instructions in the very same case. That is the gravaman of my charge.

MR. DEPUTY-SPEAKER: You must conclude now. You have taken more time. I must give chance to all Members. The mover took half-an-hour and the seconder took fifteen minutes. We are giving 15 minutes to each Member. I must give 15 minutes to all. There is no question. I am giving equal time to all. Why do you make a request. He will make a request.

AN HON. MEMBER: Give him some time.

MR. DEPUTY-SPEAKER: Why do you make a request on his behalf? You conclude your speech. I will give equal time to all.

SHRI K. P. UNNIKRISHNAN: Let me complete this. The gravaman of my charge to-day is that in order to support the claim of one single individual agency in the great and good cause of the 'global phenomenon'—Long Live Kuo Monarch—the Minister and the M.P. who promoted the deal! Sir, the crux of the matter, therefore, is that a pre-selected firm, Messrs. Hindustan Monark, the agents of Kuo

Oil were given the contract in violation of all recognised norms and procedures and national interests.

Sir, the market figures would show a further decline and this led to a continuous cover-up. The question was asked: Why is the Prime Minister interested? Why is the Minister interested? (*Interruptions*) What is there in it?

I have not disturbed you. Please do not get disturbed. The point I want to make is this. The *Business Standards* of July 27, 1981, had identified the man behind the deal as "a Congress (I) M.P. from the State of Madhya Pradesh". I do not know who he is. What happened to him? I want to know whether the Minister would like to throw some light on it. And, Sir, the story of cover-up goes on.

MR. DEPUTY-SPEAKER: Now conclude please. You have already taken more time.

SHRI K.P. UNNIKRISHNAN : Please do not disturb me every second.

MR. DEPUTY-SPEAKER : You wanted preferential treatment. I have given you instead of calling Shri Ram Vilas Paswan. You must conclude now.

SHRI K.P. UNNIKRISHNAN : Where is the hurry?

MR. DEPUTY-SPEAKER: Or else I will ask you to sit down. I must give equal time to all. I have a list of 15 Hon. Members. You took more time.

SHRI K.P. UNNIKRISHNAN: I am bringing certain facts to the notice of the House.

MR. DEPUTY-SPEAKER: That is all right. Do that within the time

limit. You must do that within the time. Or else I will have to stop you.

SHRI K. P. UNNIKRISHNAN: Sir, I want to know also from him whether it is not a fact—if he denies, I will tell him, please be careful—that a Minister of State then sitting in a majestic splendour in South Block who had nothing to do with petroleum, whatsoever, called a meeting of the officers of Petroleum Ministry and IOC and threatened them with dire consequences?

AN HON. MEMBER: How do you know that?

SHRI RAVINDRA VERMA (Bombay North): You can contradict it.

SHRI K. P. UNNIKRISHNAN : You contradict it later on.
(*Interruptions*)

MR. DEPUTY-SPEAKER Order, please. He has already taken more time.

DR. KRUPASINDHU BHOI (Sambalpur) : Sir, the Speaker has given clear directions. He has spoken about Indore Samachar. You have allowed him.

SHRI K.P. UNNIKRISHNAN : A reference was made by Shri Vajpayee Ji to planting of stories. On 12th April, 1980 a story was planted in a Bombay Weekly which said 'IOC Gang loots Rs. 300 crores' 'The story says that the then Secretary of Petroleum,** the Joint Secretary, ** and the Chairman of IOC, ** and the Managing Director, ** having rigged the bids.
(*Interruptions*)

MR. DEPUTY-SPEAKER : You please better avoid the names of the officers.

SHRI K. P. UNNIKRISHNAN : I am quoting from a Bombay weekly.

MR. DEPUTY-SPEAKER : For that you must take the responsibility. You must give in writing that you are going to quote from Bombay weekly. Please do not mention the names of the officers. They are not members of the House. Please avoid the names.

SHRI K. P. UNNIKRISHNAN : I am not making any allegation. I am narrating the events that followed.

SHRI KAMAL NATH JHA (Sabarsa) : Sir, I want to rise on a point of order. The Hon. Member who is speaking sometimes says a Minister of State of Congress Party sitting in South Block and then he has also said that a Member from Madhya Pradesh of Congress (I) party. It is a very serious thing. It should be expunged.

(Interruptions)

MR. DEPUTY-SPEAKER : I will go through the record. I have noted it and I will go through the record. He cannot take the name of the persons or the Minister. I will go through the record.

प्रो० सत्यदेव सिंह (छपरा) : उपाध्यक्ष महोदय, मेरा प्वाइन्ट ऑफ आर्डर है। इन्होंने राज्य-मन्त्री का नाम लिया, कांग्रेस (आई) एम० पी० का नाम लिया..... (ब्यवधान)....नाम नहीं लिया, लेकिन बम्बई के अखबार में जिन अधिकारियों के नाम छपे हैं उन का नाम लिया है, इस को प्रोसीडिंग्स से एक्सपंज किया जाये।

MR. DEPUTY-SPEAKER : He should not mention the names.

श्री बोलत सिंह जी जडेजा (जामनगर) : उन्होंने किसी का नाम नहीं लिया.....

*(Interruptions)***

MR. DEPUTY-SPEAKER : He should not mention the name. I will not allow it. Order order please. Please sit down. You have to conclude now. Nothing will go on record without my permission.

*(Interruptions)***

SHRI K. P. UNNIKRISHNAN : Please allow me to conclude. I am extremely sorry if I have offended anybody's feeling. I do not know why they should feel hurt and disturbed. What I am talking about is the Kuo-Monark deal and if in the process I have to refer to certain things, and the people surrounding etc. I have not mentioned any names. You have a very good advocate in the Minister....

PROF. N. G. RANGA (Guntur) : He may not be mentioning names but he is making all sorts of charges. How is this Parliamentary, Sir?

MR. DEPUTY-SPEAKER : Please conclude.

SHRI K. P. UNNIKRISHNAN : May I say this ?

At this stage, some papers were thrown inside the House by a person from the Speaker's Gallery

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN) : Catch hold of him. Who is he ?

He has thrown some papers.
(Interruptions)

PROF. MADHU DANDAVATE : Don't act like a Security man.
(Interruptions)

MR. DEPUTY-SPEAKER : Mr. Unnikrishnan, please conclude your speech.

(व्यवधान)

श्री चन्द्रपाल शैलानी (हाथरस) : यह प्रेस गैलरी में क्या हो रहा है ?

(Interruptions)

PROF. MADHU DANDAVATE : Nobody is supposed to refer to the Gallery.

MR. DEPUTY-SPEAKER : We have nothing to do with that. Mr. Unnikrishnan, continue and conclude your speech.

SHRI K. P. UNNIKRISHNAN : The last point which I wish to raise before I conclude is this : May I know whether the Director of Audit (functioning under the Comptroller and Auditor General of India) is empowered under the provisions of Articles 149 and 150 of the Constitution of India, to seek details of any transactions or not, because he is in charge of accounts ? When a deliberate assault is made on institutions and instruments and they continue to devalue them, the consequences are certainly horrendous. I want an assurance from the Hon. Minister today that any officer of Audit functioning under the control of Comptroller and Auditor General of India would be allowed to function smoothly.

MR. DEPUTY-SPEAKER : Please conclude.

SHRI K. P. UNNIKRISHNAN : Now I conclude. Sir, the root of the problem is the unprincipled...

MR. DEPUTY-SPEAKER : You are repeating...

SHRI K. P. UNNIKRISHNAN : ...arbitrary, amoral character of the whole regime where everything is justified and everything can be justified in the name of 'global phenomenon'.

Sir, therefore, these scandals continue ! Whether it is this Kuo Oil or Tal Vaishet or Centurian. Business goes on as usual whether we discuss in Parliament or there is a debate in the Fourth Estate. Business goes on merrily ! The trouble, as I have said before is this : If the Gangotri is polluted, then Ganges cannot remain pure !

SHRI B. R. NAHATA (Mandsaur) : Mr. Deputy-Speaker, Sir, on the basis of certain allegations made by certain friends saying that the Kuo Oil deal has been a shady oil deal, many allegations were made. The basis where the whole thing started was an article or a news item published in the Indian Express and subsequent to that, certain Privilege Motions were made by certain Members of this House. There were many points made by Hon. Members in the course of their allegations. Some of my friends said that it has caused loss to the nation. They said, the Minister has made notings several times; he has changed his stand, and so on. It is also said that the loss caused to the nation was because of corruption or dishonesty and the deal was shady. And, in order to do all this, it has been said, they did not stop at this, but they went right up to the Prime Minister. Thus, they wanted to involve everybody. The net that they wanted to cast was very wide. It was not only one Minister, it was not only one person but it was an attempt of involving many persons, officials and non-officials and everybody in this. This type of thing will have to be considered as to whether there could be any relevance to this. It has been said by my friends that this deal was shady and therefore this file was sent to the Prime Minister. This is the logical conclusion they wanted to draw. They say that it was sent to the Prime Minister's Office and was misplaced by the Special Assistant for more than 1-1/2 years. But I would

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like to know the relevance between the two. It cannot be brushed aside like this when the deal was complete, the Agreement was signed, the contract was complete and the effect of the contract had to be taken into consideration separately. But after that, if the file had gone to seek some advice or decide what should be the policy of action, it is a separate matter. But this is very important. As it has been said, they wanted to involve everybody thereby they wanted that there should be a case of character assassination. Some of my friends, while during the discussion, had admitted this 'Yes' we wanted to throw the whole burden on the Prime Minister, there could be no relevance between the two, because the deal has been complete and once the deal is complete, subsequently action on seeking advice and policy matter cannot have any connection whatsoever. Therefore, from this it has been reflected that the intention of making this statement was only for one purpose and that was the matter of character assassination. Therefore, Sir, we will have to consider the whole aspect of it in a very different manner.

Now, the objection is that this deal is based on fixed price and therefore it is a shady deal. What is shady in this? The whole deal has to be taken into consideration. Now, the background that has to be taken into consideration in this respect is very important. We cannot talk in terms of whether it is a matter of consideration of one individual or 10 persons. It is a matter of necessity of oil supply to the whole country. The whole country was put in such a precarious condition in those days. There was going to be a question of law and order. Everywhere hundreds of trucks and other vehicles were at standstill and problems were created from North to South and East to West, in every nook and corner of the country. In those circumstances, after 30 months of misrule of the previous Govern-

ment, our party has come to the power and it is the duty of the present Government to provide all facilities and remove all sorts of difficulties that have been created by the previous government. Therefore, it was necessary to take a decision by this Government and for that purpose a notification was issued.

Now, from the Opposition side itself, two contradictory arguments are coming forward. One argument is that it was an open type of tender notice in which neither the fixed price clause was there nor variable price clause was there. Now, they say: why was it necessarily to be so? Suppose, the tender notice would be in fixed price, then they would have said that there was something shady. They would have said that escalation clause should have been there or there should be a variable price clause. Suppose, there is a variable price clause, even then they would have said that the deal was a shady. So, they were out to say one thing only, that is, they wanted to put the whole country in to a matter of suspicion. They wanted to create confusion all round. But the smoke cannot continue for long.

Now, my friends could say that the story was planted in the Financial Times and in the Economic Times on 20th February and on 21st February respectively. I cannot understand that. Why do they say that the story was planted, it must have been done with their knowledge; it could not have been otherwise? How can they know about it? They do not mention the source and they do not mention anything about it. It is because their only design was to find fault with everything concerning the deal. On this ground and on this basis, all the arguments that the story was planted by someone, who was interested in the deal, or they wanted to have some illegal benefit out of it, are wholly baseless and without ground.

Right from the beginning, irrelevant arguments have been advanced. The Prime Minister is being attempted to be involved, others are being attempted to be involved. Even the press people are being attempted to be involved and it was said that they were a party to put in all this propaganda into their newspapers. But it is not only in the Indian press, it is even in the foreign press that this type of news had appeared and in which the possibility of prices going up was expressed.

Now, it is only the Minister who is the person to take a decision. He took the decision; he weighed the whole thing, he weighed the situation existing in the country, as also the international situation particularly the oil-producing countries. The Minister has mentioned about four points. One point is the declaration of Saudi Arabia that they were going to reduce the production. That means, the oil producing countries wanted to exploit the situation. Now, the situation could not be permitted to deteriorate and, therefore, it was necessary for this country, for this Government, to take action to give relief to the people by supplying abundant diesel and kerosene oil etc. For that purpose, it was necessary to take a decision. In those circumstances, the tenders were invited. Fourteen parties gave their tenders. Ten tenders were on the basis of variable prices and four were on the basis of fixed prices, and two with the fixed prices were in the contest in the end, and the tender with the lowest price was accepted. What is the basis for the arguments that the prices had gone down? Was there any positive indication for that? The prices were tending to go up. The prices were rising gradually, and because of the oil-producing countries attitude it was very likely that the prices might shoot-up and India might not be able to get sufficient quantity of diesel and crude oil and our economy might be put into a very difficult situation. In those circumstances,

the decision had to be taken. If those tenders had to be washed out, and new tenders were to be floated, what would have happened? The prices would have gone up and they would have quoted higher prices.

It was said by an Hon. Member that this theory of indeterminate liability is a new theory introduced by the Hon. Minister. In those circumstances, it was only necessary not to have any indeterminate liability since the economic position of the country could not afford that. If we had put the escalation clause, we would have been in difficulty. In those two years, 1979 and before that, it was a seller's market; it was not a buyer's market. The sellers were dictating their terms. Therefore, we wanted that the oil should be provided to this country on fixed prices, and we should know where we stand, what would be our financial liabilities, and what were our requirements. In those circumstances, the only alternative for us was to go in on fixed prices, not variable prices. During those thirteen months, our financial position had been put to shambles, our economic condition had deteriorated and we were not in a position to take any further risk. It was necessary to take a decision and finalise the deal immediately. And then, it was not on a higher price at all. India required a large quantity of oil. In spot purchases in the month of May, 1980 we have purchased 3 lakh tonnes of crude even at a price of 371/ and 375/-dollars. They say that we have lost on that account. The notional losses are being calculated. What is the notion? How can you compare it? If you want to sit and make a comparison, then you should have come with all those data. But such comparisons are not possible. We have to take a decision in a particular set of circumstances existing at a particular moment. We can only imagin about the future and the best judgement that can be done is one

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which would be according to the existing circumstances most beneficial to the country. Only that thing should be taken up and nothing else should be decided. In this particular case the Minister for Petroleum at that time over-ruled his officers. Is it necessary to follow the Officers? They say that they were experts and he was no expert. It was not a question of expertise. It is a question of propositions that are faced.

Then it is being said that they were not consulted. This again shows a contradiction in their statement. On the one hand they say they were not consulted and on the other they say he over-ruled them. Which of the two is correct? I would submit, Sir, right from the beginning to the end, the Opposition is taking a contradictory stand. By hook or by crook they want that something is brought on record and that they get publicity and that people should feel that something shady is being done. But what is the shadiness?

I would submit, Sir, even the Minister has taken the line of least resistance.

AN HON. MEMBER : He should conclude now. Others also have to speak.

MR. DEPUTY-SPEAKER : Every speaker is being given fifteen minutes. He has not yet completed. I will ring the bell when his time is over. I know my work. Anyhow I thank you for reminding me of my duty.

SHRI B. R. NAHATA : Sir, let me make a submission. If the Opposition Members can continue shouting in spite of your repeated orders, we will not tolerate them. I know all of them will get up and start shouting. So, let me speak. I have not yet concluded. They have started shouting. That shows they are not prepared to hear the answers of the arguments that they

have advanced. The shallowness of their arguments is as clear as anything.

Sir, my friend Mr. Unnikrishnan also said that some story was planted in some papers in Bombay. Plantation, you know very well. And the people who talk of plantation, they also know who are the planters. That means there is an association and correlation between them and those planters and those who are related with planters. What can be said about them? The law is very clear.

In whole of the arguments advanced in the speeches made by them there was no data. There were only surmises, conjectures and inferences. They only want to condemn this Government, the leaders of this country who have been leading this country and in whom the whole confidence has been reposed by the overwhelming majority in the country. They want to blame them. They want to tarnish their image. But, Sir, I ask them, are they doing some national service or are they acting in an anti-national manner? This is a point to be taken into consideration.

With respect I would submit, Sir, that when they want to challenge a person, when they want a person should be condemned, they should come with definite data. What is the data they have? Except surmises, conjectures and inferences: they have nothing. Therefore, I would say on their very first point when they say that prices have gone up or down, they should not take only one thing into consideration. They have to take into consideration several factors. And on the basis of those details you have to arrive somewhere. There is no time, otherwise I would have given you many details showing that the country has actually not suffered losses, the country has gained

and that small, poor people, truck owners, drivers and people who needed the goods in all parts of the country were provided with those things. Therefore, it was a national service. It was necessary to have done it at that time. Because that service was done, people were satisfied. But what do we find? Sir, the Opposition wants to get an opportunity to raise a hue and cry. There is no basis for that.

Now, my friends say appoint a committee. What Committee? For what purpose? Appoint a committee because they want it? Whatever they say, they say with the sole purpose—they want some publicity; publicity by making statements everyday both inside and outside Parliament, that can be published by these Press people and the Press in whom they are interested or who are publishing these things at their instance or with their guidance. Such publicity can be availed of very easily. But here for so many days for this argument, for this discussion, for ten days continuously, every day at 12 O'clock, there was a Zero Hour and it used to become zero. What is the sense of propriety we have? What is the respect we have for laws? What is the respect for public exchequer of this country we have? We have to take it into consideration; and I would submit that, if all these facts are taken into consideration, it is more than clear and evident that there is not a single point on the basis of which it could be said that the deal was shady or tardy. There is not even an iota of evidence. It is all imagination of the opposition who have got no programme, no ideology, no thinking, no basis and no study; except that there is absolutely nothing. Therefore, I submit that this discussion is only an abuse of the parliamentary process.

श्री राम विलास पासवान (हाजीपुर) :
उपाध्यक्ष जी, अभी विरोध पक्ष के जिन

साथियों ने इस पर बोला है मैं सोच रहा था जो इधर से सबाल उठाये गये थे उसके ऊपर वह जवाब देने का काम करते, या इसे गलत है या सही करार देते। बजाय इसके जनता पार्टी, ने क्या किया, फलाने ने क्या किया, यह कहने का काम शुरू किया। कीचड़ से कीचड़ साफ नहीं होती है। मुझे दोनों मंत्रियों के प्रति बहुत आस्था और श्रद्धा है। इन्होंने भी चलते चलाते बोल दिया 1977 से 1979 के बीच क्या हुआ। तो शिव शंकर बाबू आपने 1945 से क्यों नहीं लिया। 1977 से 79 का तो कह दिया, 1945 से 1977 का भी हवाला दे देते। दो ही साल को क्यों चुना? सरकार तो सरकार होती है, भारत सरकार। वह न कांग्रेस की और न अपोजीशन की होती है, बल्कि भारत सरकार होती है। भारत सरकार के काम का विरोध करना उस सक्ष के लोगो का भी काम हो जाता है। इसलिये जब आप कोई चीज कहते हैं तो बोलिये, वोटिंग का मामला आयेगा तो सरकार का साथ बीजियेगा। लेकिन सही बात को कहने की हिम्मत होनी चाहिये, और जो बात मन में सोचते हैं उसको कहना भी चाहिये। हम जानते हैं इस मामले को लेकर बहुत से लोग खुश भी होते हैं उधर के। लेकिन जब कहने का मामला आता है तो पता नहीं रटा रटाया ही क्यों बोलते हैं।

तीन, चार बातें मंत्री जी के स्टेटमेंट से निकलती हैं। एक तो यह कि फाइल मांगी गई, वह मिस हुई। दूसरा है कि फाइल प्रधान मंत्री के यहां गई, फिर तीसरा मामला आ जाता है कि फाइल मिल गई। और लास्ट कनक्लूजन निकलता है कि कि ऐरर आफ जजमेंट है। यह चार चीजें हैं। और मंत्री जी ने इसी

[श्री राम विलास पासवान]

बात को कहा, अभी साथियों ने कहा कि फाइल कैसे मिस हुई इतनी इम्पोर्टेंट फाइल। और एक मामला यह भी देखना चाहिये कि सेठी जी मंत्री थे, मंत्री पद से हट गये पाटिल साहब आये, फिर पाटिल साहब गये तो सेठी जी आ गये। फिर सेठी जी हट गये, शिव शंकर जी मंत्री हो गये। और यह सारा का सारा मामला फाइल के इर्दगिर्द घूम रहा है। उनका जाना इनका आना, इनका आना उनका जाना, फिर उनका जाना इनका आना। लगता है कि यह फाइल ऐसी थी जिसके चारों ओर सारा मामला घूम रहा है। बर्बेटिम रिकार्ड तो नहीं मिल रहा है। जो माननीय सदस्य उस कमेटी के सदस्य रहे हैं वह हमारे कान में कहते हैं, कि वह रिपोर्ट ही नहीं है जिस पर सारा डिस्केशन हो रहा है जिसमें श्री दास गुप्ता ने लिखा, अपना नोट दिया। उस नोट को कहां टर्न-डाउन कर दिया गया तो उसका कहीं कुछ है ही नहीं। मैंने इसलिये कहा कि कहीं ऐसा तो नहीं हुआ था कि सेठी जी निकाले गये थे या दूसरा डिपार्टमेंट सौंपा गया था, उसके बाद सोचा गया हो कि पाटिल साहब आयेंगे, उनसे एप्रूव करवा लेंगे? लेकिन पाटिल साहब निकले तेज, उन्होंने प्राइम मिनिस्टर के यहां मामला भेज दिया।

प्राइम मिनिस्टर के यहां फाइल जाती है, इम्पोर्टेंट फाइल है, स्पेशल एसिस्टेंट के माध्यम से प्रधान मंत्री के यहां फाइल पहुँची, क्योंकि पौने दो सौ करोड़ का डील था। प्राइम मिनिस्टर के पास फाइल पहुँचती नहीं है, मंत्री जी ने अपने बयान में कहा है—

“इस समय स्थिति यह है कि यह फाइल ना तो प्राइम मिनिस्टर के ध्यान में

लाई गई थी और ना ही उनका आदेश प्रथवा अनुदेश उस पर मांगा गया था”

तो क्या फाइल क्लाइमेट चेंज करने के लिये गई थी? क्या क्लाइमेट फाइल के लिये भी अच्छा रहता है? क्या आपके यहां एयर कंडीशन नहीं, प्राइम मिनिस्टर के ही यहां एयर कंडीशन है? जब प्राइम मिनिस्टर का उस पर कोई अनुदेश मांगा नहीं गया, तो पाटिल साहब ने क्यों फाइल को भेजा? क्या मामला था?

जब फाइल प्राइम मिनिस्टर के यहां गई तो लास्ट में शिव शंकर जी कहते हैं :—

“प्रगट रूप में यह फाइल गलत स्थान पर रखने का एक वास्तविक मामला है जिसके लिये वास्तव में खेद है।”

अगर प्राइम मिनिस्टर का सेक्रेटेरिएट एक गलत स्थान हो सकता है, तो हिन्दुस्तान की कौनसी जगह अच्छी है? पता नहीं उस फाइल की कितनी वैल्यू थी? करोड़ का नाम सुनते हैं तो बहुत लोग पागल हो जाते हैं, यह पौने दो सौ करोड़ का डील था। उसको ले जाने के लिये स्पेशल मैसेंजर होता है, उसको स्पेशल सेक्रेटरी देखता है। स्पेशल सेक्रेटरी कौन होता है, यह मंत्री जी जानते होंगे, हम नहीं जानते। स्पेशल सेक्रेटरी का क्या रैंक होता है, मिनिस्टर का उसमें कितना कांफीडेंस होता है, और वह भी प्राइम मिनिस्टर का स्पेशल सेक्रेटरी होता है या स्पेशल एसिस्टेंट होता है।

उसके बाद यह कहते हैं कि फाइल प्राइम मिनिस्टर के यहां जाकर, प्राइम मिनिस्टर का कमरा समुद्र तो नहीं है कि जिसमें हीरा खोजें तो मिलना मुश्किल है। उनका सेक्रेटेरिएट 2, 4, 5, कमरे का होगा, पूरे हिन्दुस्तान का फाइल हो सकता है, पूरा

हिन्दुस्तान तो नहीं हो सकता। वह फाइल खोज रहे हैं, लेकिन मिलती नहीं है।

डिप्टी डायरेक्टर (कमर्शियल आडिट) ने 16 दिसम्बर, 1981 को लिखा है—

“While conducting scrutiny of the purchase of crude and other products, we found that the scrutiny is not complete in the absence of the relevant case file of the Department maintained in the Ministry..... The party may kindly be granted necessary facilities for conducting the audit.”

उसके बाद यह कहते हैं कि डायरेक्टर कमर्शियल आडिट ने दूसरा पत्र लिखा, डिप्टी डायरेक्टर लिख रहा है, आडिट का डायरेक्टर लिख रहा है, कमेटी के मेम्बर्स मांग रहे हैं कि फाइल कहां है? लास्ट में फाइल कब देते हैं, 5 मई को देते हैं।

प्राइम मिनिस्टर के यहां फाइल जाने की सैस क्या थी, उसकी अर्जेंसी क्या थी, आवश्यकता क्या थी? जब फाइल प्राइम मिनिस्टर के यहां गई, तो उसको इतना लाइटली क्यों लिया गया? प्राइम मिनिस्टर के नालेज में उसको क्यों नहीं लाया गया? उनको क्यों नहीं दिखलाई गई क्या इस बीच में कोई कांसीप्रेसी थी, प्राइम मिनिस्टर की कांसीप्रेसी थी? क्या मामला था?

जिस उद्देश्य से प्राइम मिनिस्टर के यहां फाइल भेजी जाती है, वह बीच में ही गायब हो जाती है और मांगने पर भी फाइल नहीं मिलती है। फाइल जब मिलती है जब सारी कमेटी अपनी रिपोर्ट दे देती है। फाइल को मिस करवाने के लिए एस० ए० या जो अधिकारी जिम्मेदार है उसको सरकार ने क्या पनिशमेंट दिया है और जिस अधिकारी ने फाइल को ऊपर किया है, उसको क्या सरकार ने अभी तक रिवाइंड दिया है?

मन्त्री महोदय ने अपने वक्तव्य में कहा है :—

“.....मन्त्रालय ने निर्धारित मूल्य संविदा विचार धारा की पुनरीक्षा करने का विचार किया और इसलिए यह मामला मन्त्री को उसके विचारार्थ प्रस्तुत किया गया। मन्त्री ने 22 अप्रैल, 1980 को इस मामले में मार्ग-दर्शन हेतु फाइल को प्रधान मन्त्री को भेजना उचित समझा था। ऐसा हुआ प्रतीत होता है कि मन्त्री के निजी सचिव ने प्रधान मन्त्री के विशेष सहायक को फाइल दे दी थी।”

मामला साफ है कि किसने किसको फाइल दी : मन्त्री के निजी सचिव ने प्रधान मन्त्री के विशेष सहायक को फाइल दी।

इसके आगे कहा गया है :—

“सामान्य रूप में, ऐसी परिस्थितियों में जब कोई फाइल प्राप्त की जाती है, तब प्रधान मन्त्री के विशेष सहायक प्रधान मन्त्री के कार्यालय के सम्बन्धित अधिकारी को फाइल भेज देते हैं जिससे वह अपेक्षित नोट के साथ फाइल को प्रधान मन्त्री को प्रस्तुत करने में समर्थ हो सके। दुर्भाग्यवश ऐसा प्रतीत होता है कि विशेष सहायक ने इस फाइल को कहीं और रख दिया.....”

कहां रख दिया?—कूड़ादान में रख दिया, डस्ट-बिन में रख दिया?

इसके बाद कहते हैं :—

“..... और यह फाइल उनके कार्यालय में कुछ पुरानी फाइलों और कागजातों में मिल गई और फाइल प्रधान मन्त्री को प्रस्तुत नहीं की जा सकी।”

[श्री राम विलास पासवान]

क्या प्रधान मंत्री ने कभी इस फाइल को खोजा भी था ? जब प्रधान मंत्री अपने कार्यालय से एक फाइल को नहीं निकलवा सकती हैं, तो वह देश में क्या कर सकती हैं ?

मंत्री महोदय आगे कहते हैं :—

“ऐसा प्रतीत होता है कि इस फाइल के बारे में किसी को भी वर्ष 1981 के प्रारम्भ तक लगभग एक वर्ष तक कोई अनुस्मारक नहीं भेजा गया।”

मैंने अभी बताया है कि बीच में आडिटर ने फाइल मांगी और डिप्युटी आडिटर ने भी उसकी खोज की। मंत्री महोदय कैसे कहते हैं कि किसी ने इस फाइल के बारे में कोई रिमाइन्डर नहीं भेजा ?

फिर वह कहते हैं :

“रजिस्ट्रों में इस फाइल के बारे में कोई इन्दराज नहीं थी। यह मार्च के अन्त में अथवा अप्रैल 1982 के प्रारम्भ का समय था जब विशेष सहायक को इसकी आवश्यकता का प्रभाव पड़ा, ऐसा प्रतीत होता है कि उन्होंने अपने कार्यालय में कागजों के पुराने समस्त बंडलों और फाइलों की पूर्ण रूप से छान-बीन की और वे उक्त फाइल की बहुत अधिक प्रयासों के बाद खोज लगा सके।”

मंत्री महोदय ने एक कड़ी को दूसरी कड़ी के साथ जोड़ दिया है, मगर उनमें कोई तारतम्य नहीं है। लगता है कि यह एक बनावटी कहानी है कि पहले फाइल नहीं मिली, उसे बहुत खोजवाया गया, फिर वह एकाएक मिल गई। मैं कहना चाहता हूँ कि इस सारे मामले में गोल-माल है। वह किस स्तर पर है, यह मंत्री महोदय के जवाब से भल्लू जाएगा। हम मंत्री महोदय की मनः

स्थिति को जानते हैं। वह क्या जवाब देंगे, यह भी हमें पहले से मालूम है। लेकिन कुछ चीजें ऐसी होती हैं, जो इतिहात को बनाती हैं। इसलिए मैं मंत्री महोदय से अपेक्षा रखता हूँ कि वह सरकार को बचाने का काम करें, लेकिन जो मोटे तौर पर सही बात है, उसे वह सदन के सामने अवश्य रखें। वह इस मामले को लाख दबाने की कोशिश करें, लेकिन आम लोगों के सामने यह सारी बात आ चुकी है। सरकार कमेटी की वर्धाटिम रिपोर्ट को प्रकट नहीं करना चाहती थी, लेकिन वह सभा-पटल पर आ गई है। इस मामले का नाम लेने पर इन लोगों को गुस्सा आता था, लेकिन आज उस पर डिसकशन हो रहा है।

मंत्री महोदय ने 1977 से 1979 के बीच हुए सौदों की बात कही है। मैं इस चैलेंज को स्वीकार करने के लिए तैयार हूँ। एक निष्पक्ष पार्लियामेंटरी कमीशन बैठे, जो जांच करे कि अभी तक जो सौदे हुए हैं, उन में कितने सही सौदे हुए हैं और कितने माल-पत्र के आधार पर हुए हैं। देश के पैसे को बर्बाद करने और लूटने का किसी को अधिकार नहीं है। इसलिए इस बारे में एक पार्लियामेंटरी कमीशन बिठाया जाए। जो कमीशन आप को बैठाना हो निष्पक्ष कमीशन बैठें। हम लोग बचपन में बाइस्कोप देखते थे, उस में कहते थे कि 80 मन की रानी देखो, नौ मन की बुलाकी देखो, हावड़ा का पुल देखो, कुतुबमीनार देखो, तेल देखो, तेल की धार देखो, करोड़ों भ्रष्टचारु देखो। यह सब है। इसीलिए मैं कहता हूँ कि मंत्री जी के ऊपर थोड़ा बहुत हम लोगों को विश्वास है, इसको वह करवाएं, थोड़ा सा मामले की ओवरहॉलिंग होने दें। क्यों मामले को छिपाते हैं ?

प्रो. नारायण चन्द पाराशर (हमीरपुर) :
उपाध्यक्ष महोदय, जितनी गरिमा के साथ हम लोग समझते थे कि इस मामले को लिया जायगा उतना तो उनकी बातों से स्पष्ट ही नहीं होता है। मुख्य तौर पर तीन मुद्दे इस में उठाए गए। अगर आप सारे डिस्कशन को एक समग्र रूप में देखें तो एक मामला मिनिस्टर फाइल का आता है, एक यह जो डील हुआ है प्राइस का उस पर और तीसरा मिनिस्टर की रेस्पॉसिबिलिटी, ये तीन मुख्य इश्यूज इस में उभरते हैं।

मुझे हैरानी हुई है कि यहां पर श्री इन्द्रजीत गुप्त ने मंत्री जी के वक्तव्य का एक अंश पढ़ा और पढ़ा इस तरह से कि आधा बीच में छोड़ गए। जो वाक्य उन को पसन्द नहीं आया उसको उन्होंने छोड़ दिया। तो जरा मैं उसको पूरा कर दूँ। कहा गया कि फाइल पांच अप्रैल को मिल गई और इम्प्रेशन यह दिया जा रहा है कि फाइल से कमेटी का कोई सम्बन्ध नहीं हुआ और न कमेटी को फाइल मिली। लेकिन जहां श्री इन्द्रजीत गुप्त ने छोड़ा अगर वहीं से उस वाक्य को पढ़ें तो वहीं यह लिखा है :

“In fact, on 7th April the Committee was furnished the details of the transaction based on the file notings. Therefore, in the circumstances, nothing deserves or needs to be read in the conduct of anyone concerned in the process as really nothing comes out of the matter.”

कमेटी की इस बात को अपोजीशन के किसी साथी ने कांटे डिबेट नहीं किया। यह जो कहा जाता है कमेटी ने कोई नोटिस नहीं लिया, कमेटी ने कोई उस पर अपना

बेस नहीं किया, कमेटी तो इस हाउस की है, वह तो एक कान्टीन्यूइंग प्रोसेस है, अगर कमेटी ने अपनी एक रिपोर्ट दी है तो उसके बाद ऐक्शन टेकेन रिपोर्ट भी आनी है, तो क्या हमारे साथियों को इस पर अब विश्वास नहीं रहा क्या वह सोचते हैं कि कमेटी ने जो काम कर दिया वह तो हो गया और इसके बाद ऐक्शन टेकेन रिपोर्ट जो वह बनाएंगे उस पर उन को भरोसा नहीं रहा? संसदीय कमेटी की मांग की गई, उस के बाद पासवान जी ने कमीशन की मांग कर दी। तो क्या आप पार्लियामेंट्री कमेटी की गरिमा को कम करना चाहते हैं? वह तो एक रिपोर्ट उन्होंने दी। आप के सामने ऐक्शन टेकेन रिपोर्ट भी आएगी। मैं एक और कमेटी की तरफ भी इशारा करता हूं, वह रेलवे कन्वेंशन कमेटी थी उस के अध्यक्ष महोदय ने करप्शन इन दी रेलवेज का सबजेक्ट ही चुन लिया और उस पर कोई रिपोर्ट आज तक नहीं दी। इस तरह से कमेटी जो होती है, सक्सेसर कमेटी उस इश्यू को ले सकती है। तो इस मामले में जरा सा भी तथ्य नहीं है। 7 अप्रैल को जो दिया गया कुछ नोटिंग उस पर आधारित है। इस से यह साबित होता है कि कमेटी ने उस को लिया और कमेटी ने उस को कंसिडर किया, उस से कुछ उदाहरण लिए। अब कितने लिए कितने नहीं लिए यह कमेटी का काम है और कमेटी में किस दल का बहुमत है यह भी सब लोगों को मालूम है। अगर कमेटी ने किसी बात की तरफ इशारा किया तो उस का यह डिस्कशन फल है और मंत्री जी ने जो वक्तव्य दिया उस में कोई बात छिपाने के लिए नहीं रखी। साफ-साफ स्पष्ट किया कि इतने से इतने दिन तक रेट यह था और उस के बाद यह था।

[प्रो० नारायण चन्द पाराशर]

तो वस्तुस्थिति तो यह थी कि प्राइमिंसी और अर्जेंसी आफ दी सिचुएशन को देखते हुए यह किया गया। एक तरफ आसाम जल रहा था, वहां से क्रूड आयल नहीं मिलता था और दूसरी तरफ आप ने एक ऐसी एकोनामी हमारे जिम्मे डाल दी है जिस को संभालना मुश्किल है। 18 जनवरी को यह बात होती है। 14 तारीख को श्रीमती इन्दिरा गांधी कार्य भार संभालती हैं और 4 दिन के अन्दर यह फैसला करना पड़ता है कि हम को 3 लाख टन क्रूड इस तरह से लेना है एच एस डी और पांच लाख टन दूसरा लेना है तो इस सारे मामले में अर्जेंसी आफ दी सिचुएशन को देखते हुए मंत्री जी ने एक स्पष्ट निर्णय लिया।

अब मैं इस बात पर आता हूं कि संसदीय प्रजातंत्र में यह बिल्कुल ठीक है कि अफसरों की या विशेषज्ञों की चाहे जो मर्जी रही हो, अगर कंट्री के इन्टरेस्ट में या स्थिति के अध्ययन के बाद यह लगे कि तुरन्त फैसला करना है तो किसी कमेटी को भी बाइ पास किया जा सकता है और वह किया गया तो उस में कोई बुराई नहीं है। मंत्री जी उस की पूरी जिम्मेदारी लेते हैं। मंत्री जी भागने की कोशिश नहीं कर रहे हैं। हमारे किसी मंत्री के स्टेटमेंट में न श्री वीरेन्द्र पाटिल जी की नोटिंग में न श्री सेठी की नोटिंग में न श्री शिव शंकर जी की किसी नोटिंग में यह बात है कि वह अपनी जिम्मेदारी अफसरों पर डालते हैं। वह तो जिम्मेदारी स्वीकार करते हैं कि यह फैसला हम ने लिया। हम कोई कायर थोड़े ही हैं। हम मानते हैं कि जो फैसला हम ने लिया वह देश के हित में था और अफसरों की राय की हम कद्र करते हैं। लेकिन कई बार ऐसा होता है कि उस राय को एक तरफ रखना पड़ता है।

आप बार-बार ढोल पीटते हैं कि एविडेन्स को टेबल पर रखा जाए। लेकिन आज आफिसर्स कमेटी के सामने सारी बातें कहते हैं और उसके आधार पर रिपोर्ट तैयार की जाती है। कमेटी में आपके भी सदस्य होते हैं। अगर आपने यह फैसला कर लिया कि एविडेन्स को टेबल पर रख दिया जाए तो दूसरे ही दिन से कोई भी आफिसर कमेटी में बिना भय के बात नहीं कर सकेगा। सारे आफिसर्स घबरा जायेंगे। इसलिए मैं समझता हूँ अभी जो मौजूदा प्रोसीजर है वह बिल्कुल ठीक है। आप फाइनेंशियल कमेटीज के सामने आफिसर्स को पहले ओथ आफ सीक्रेसी दिलाते हैं और उससे कहते हैं कि उनकी एविडेन्स को गोपनीय रखा जायेगा, मिनिट्स को और रिपोर्ट को हाउस में पेश किया जायेगा। प्रजातंत्र के हित में यह बिल्कुल ठीक है।

19 hrs.

यह बात जरूर है कि मंत्री जी ने जिम्मेदारी ली है। एक ऐसी स्थिति थी जिसमें ट्रक्स बन्द थे और देश की प्रगति का पहिया जाम हो रहा था, उसको देखते हुए यह निर्णय लिया गया। आप जानते हैं उस वक्त इन्टर्नल प्रोडक्शन बहुत कम था और जो प्रोडक्शन हो भी सकता था उसको रुकावट थी। उस रुकावट के लिए भी हमारे सामने के साथी ही जिम्मेदार हैं। जब यह ड्रामा शुरू हुआ था तब इन्होंने उसको नहीं रोका तो ऐसी स्थिति में देश की प्रगति को चालू रखने के लिए ही यह फैसला किया गया था। जितनी भी जल्दी हो सकता था मंत्री जी ने देश में क्रूड आयल लाने का फैसला किया।

जहां तक इस बात का सम्बन्ध है कि प्राइस ठीक थी या नहीं, इस सम्बन्ध में

एक्सपर्ट की राय और कुछ न्यूजपेपर्स के उद्धरण दिए गए लेकिन अपोजीशन के किसी भी साथी ने काउन्टर एविडेन्स पेश नहीं किया। उन्हें चाहिए था कि मंत्री जी के वक्तव्य के बाद वे काउन्टर एविडेन्स पेश करते कि उस समय ऐसी स्थिति थी। उस समय प्राइसेज चढ़ रही थी, कम नहीं हो रही थीं।

आप जानते हैं कि सेलर्स मार्केट में अगर आप को कोई चीज लेनी हो तो आपको मुंह मांगे दाम देने पड़ेंगे। आप आर्गुमेन्ट्स को लेकर देश के भविष्य या देश की गति को रोकने का काम नहीं कर सकते हैं। एक ग्रहण परिस्थिति थी जिसमें ऐसा फैसला लेना पड़ा। "पेट्रोलियम एकोनामिक्स लिमिटेड" जो कम्पनी है, जोकि एक इन्टरनेशनल फर्म है, उसकी राय की भी मान्यता होती है। उसने भी वही राय दी थी कि डेक्लाइनिंग ट्रेंड है, प्राइसेज राक बाटम पर पहुँची हुई है। उसके बाद भी अगर यह फैसला नहीं लिया जाता तो और कब लिया जाता? इसके बावजूद यही आप शंका करेंगे और कहते जायेंगे कि अष्टाचार फैला हुआ है और हर वाक्य में प्रधान मंत्री जी का नाम लेंगे तो आप प्रजातन्त्र के साथ अन्याय करेंगे। यदि आप मन्त्री जी के वक्तव्य तक लिमिटेड रहते, फाइल, रेट्स और मंत्री की रेस्पॉसिबिलिटी— इन तीन चीजों तक ही सीमित रहते तो इस सदन की गरिमा बढ़ती और इस डिबेट का स्टैंडर्ड भी ऊँचा होता। मैं चाहूँगा कि प्रधान मंत्री का हर वाक्य में नाम लेना छोड़ दें। हमने देश की तरक्की के लिए एक फैसला लिया और एक प्राइस को मान कर फैसला लिया। अगर एक्सपर्ट्स को भी बाई पास किया तो इसलिए कि देश की प्रगति में बाधा उत्पन्न न हो। चाहे श्री प्रकाश

चन्द्र सेठी ने कदम उठाया, या वीरेन्द्र पाटिल जी ने, या शिव शंकर जी जो वक्तव्य दे रहे हैं, उनका जो फैसला था वह प्रजातन्त्र के हक में फैसला था। मैं माननीय शिवशंकर जी से एक बात कहता हूँ— आप ने कहा है कि पहले भी कुछ ऐसे फैसले हुए होंगे। जरूर हुए होंगे, क्योंकि कामर्शियल-जजमेंट के आधार पर ऐसे फैसले होते हैं, कामर्शियल-पर्सन के आधार पर ऐसे फैसले होते हैं और उन में कुछ घाटा हुआ-होगा। हम यह नहीं कहते कि आप उन की डिटेल्स निकालें, कितने ऐसे घाटे हुए हैं, या कितने ऐसे सौदे हुए हैं...

एक माननीय सदस्य : क्यों नहीं ?

प्रो० नारायण चन्द्र पाराशर : इसलिये कि यह सरकार के प्रचलन की एक पद्धति है। सरकारी अफसर राय देते हैं और मंत्री फैसला करते हैं। हम चाहते हैं कि आप अपनी जिम्मेदारी से न घबराइये, आप जिम्मेदारी अपने अफसरों पर मत डालिये, अपने ऊपर लीजिये। यदि आप की पद्धति में कोई दोष है तो उस को दूर कीजिये जैसे सेठी जी और शिवशंकर जी ने जो परिणाम हुआ है उस को अपने ऊपर लिया है।

इस वक्तव्य में हमें वह अंश मिलता है जो स्पष्टता की ओर संकेत करता है, साथ ही आप को मौका दिया है कि आप इस को डिस्कस करें, विचार-विमर्श करें। अगर ईशूज को डिबेट में रखेंगे तो इस का स्टैंडर्ड ऊँचा होगा। पर्सनेलिटीज पर इन-डायरेक्ट रेफरेंस से या सैंटायर से बात करेंगे तो उस का कोई मतलब नहीं होगा। यह एक अच्छा वक्तव्य है, जो दोषारोपण हमारे

[प्रो० नारायण चन्द पाराशर]

ऊपर किया गया है उस का निराकरण हुआ है, इस से बवण्डर के बादल छट गये हैं। मैं इस वक्तव्य का स्वागत करता हूँ। जो शंकायें इन्होंने प्रकट की हैं, उन में जो फिजूल बातें हैं उनका जवाब देने की जरूरत नहीं है। बहुत सी ऐसी बातें हैं जिन में कुछ नहीं है, लेकिन जो मुद्दे उठाये गये हैं उन का जवाब दें ताकि स्थिति स्पष्ट हो, ताकि साबित हो जाय कि सरकार देश के हित में काम करती है, न कि किसी व्यक्ति-विशेष के हित को देख कर।

PROF. MADHU DANDAVALE (Rajapur) : While participating in this debate, at the very outset let me refer to one aspect of this debate which will be a welcome feature on both the sides of the House. If we are able to have a debate on this important subject i. e. on the statement on the oil deal made by the hon. Minister for Petroleum, I think it is a great triumph of the parliamentary procedures and the skills which have been used by the Members of Parliament in order to persuade the presiding authority and ultimately the entire House and the Government to have a discussion on this subject. I must also go on record that this discussion is an expression of the triumph of the work of the vigilant journalists and also for a fearless press which consistently try to unearth certain facts which were sought to be concealed. In the country, the United States, a vigilant press could rock the entire presidential authority. I am happy to find that malpractices and the suspected corruption that also has been unearthed by the vigilant journalists like Arun Shourie and there are many Shouries in this country. I am sure they will increase in number so that the country will be able to see what role vigilant and free press can play in the country in order to see that the country runs on the right lines.

For the sake of convenience of the Hon. Minister at the very outset. I would like to draw his attention to five important aspects of this debate, which are the crucial questions that we must pose and which are the questions that he must have the courage to reply.

1. The question of Government's direct interference setting aside I. O. C's and Ministry's advice in regard to the oil deal.

2. The deal on the basis of fixed price to which many references have been made.

3. Why they have singled out this particular deal for a preferential treatment. Even when there was no clearance from empowered committee in this case alone, why was a particular treatment given?

Then the most important question from the point of view of all the trade relations, the sanctity of tender system was violated. Why only a preferential treatment was given to one particular firm in preference to all others who had submitted the tender. Why they were allowed to revise their prices in a convenient manner? And, of course, the case of the missing file. These are the questions on which the query that has been made by the Hon. Members of this House, he must be willing to reply.

Sir, some references have been made earlier and some references have also been made in this debate to the manner in which we tried to raise this issue. Some Hon. Members raised the question, how is that we have been able to unearth certain documents and how those documents have been used by the Members in this House and also by the journalists. There have been certain parliamentary traditions, there have been certain rulings by the Speaker, there have been certain traditions in this regard and I wish to bring to the

notice of this House that in the past, with the ultimate objective of unearthing corrupt practices in this country, some of the Hon. and vigilant Members of this House have unearthed certain reports. And then, some Members alleged that they must have been able to steal this report and how they have been able to lay them on the Table of the House. And, there are the presiding officers, on more than one occasion, said, "I am not concerned as to how the Hon. Member has been able to secure the confidential document, so long as he is prepared to take full responsibility of the authenticity and correctness of the document". I am not concerned, the presiding officer said, how the document has been brought. Therefore, I would like to repeat here, the C.B.I. report was laid on the Table of this House by Shri H.V. Kamath on 3-3-1965. He was allowed to do it. The Wanchoo Committee Report was laid on the Table of the House on 26-8-1972 by one of the most dynamic and vigilant Members of this House, the late Shri Jyotirmoy Bosu—I think, this debate is a tribute to Shri Jyotirmoy Bosu that we are prepared to go ahead to fight in all respects against the corrupt practices of the Government. Time Capsule was again unearthed by a document and laid on the Table of the House by Shri EraSezhiyan on 7-12-73 and 22-12-73. And, Sir, I have the honour; and privilege to lay on the Table of the House, the I.M.F. report, on 2-12-81. These are the facts. And there, from the background of this, nobody should raise this question, how we were able to collect the material in order to expose the corruption on this issue, malpractices on this issue.

19.13 hrs.

[MR. SPEAKER *in the Chair*]

Sir, there has been a reference of 'error of judgement', in the statement that has been made by the Hon. Minister for Petroleum. Yes. Error

of judgement. But, Sir, it was the collective wisdom of the Committee. I do not want to go into depth because I know, your vigilant eye will fall on me and you will say, no reference to Committee. I will only say this much. There are people who are wanting to describe the entire phenomenon as an error of judgement. It is not merely an error of judgement and therefore, the Committee went a step ahead and the Committee in its wisdom felt, it is necessary to have further investigation and a fuller enquiry into the entire episode. Here, I would like to repeat in some details, what one of my Hon. colleagues has already stated on the floor of the House.

Sir, here is the report. I am not quoting verbatim record; Sir. I am trying to refer to the Committee on Public Undertakings' Report, 1981-82 which has already been laid on the Table of the House.

MR. SPEAKER : Not at this time.

PROF. MADHU DANDAVATE : Even while speaking, do you want to force me to raise a point of order? I can quote any number of occasions in this House. When Members of the Ruling Party and the Opposition Parties have not made any defamatory references....

MR. SPEAKER : I only want to draw you attention that a full discussion will be allowed when the Action Taken comes. Then, you can quote the whole of it.

PROF. MADHU DANDAVATE : I welcome a discussion. But at the same time, since you are the presiding authority, I can quote a number of instances in this House where Members belonging to both the sides have occasionally made references, of course, in a cursory way. They have made references. They did not discuss; they did not debate.

[Prof. Madhu Dandavate]

Can I catch your ear, Sir? In good sense I am saying.

MR. SPEAKER: He is a Professor. I can allow him that much liberty.

PROF. MADHU DANDAVATE: I cannot make a defamatory remark about those in authority. When I said that, I said it in a figurative way that I want to catch your ear.

MR. SPEAKER: Some members catch the eye. But the Professor has the old habit of catching the ear.

PROF. MADHU DANDAVATE: Here, it is stated:

"Although the Department was of the view that a fixed price for a long-term delivery did not appear to be in the country's interest, this was ruled out on the basis that the price trend indicated that it would be prudent to strike bargain at the lowest possible firm price. Accordingly, the IOC was directed by the Ministry to accept the offer of Hindustan Monark Pvt. Ltd. for 400/500,000 tonnes @ US \$ 352.65 and, the offer of SITCO, London for 30,000 tonnes @ US \$ 350 per MT. However, it is clear that the subsequent events proved that it was not prudent to have gone in for the purchases. The Committee fail to understand why the normal procedure of processing the purchase proposals through the Empowered Committee was not followed in this case. They would await a further enquiry or an explanation in this regard."

So, it is not that we have expressed the doubt. It is not only the members of the Opposition who have expressed the doubt but the members of the ruling party as well as the Opposition parties who are functioning in the Committee in a non-partisan manner have expressed the

doubt. Thank God, still some institution exists in which the members function on a non-partisan basis. It is a tribute to the members of the ruling party as well as the members of the Opposition parties and, I think, it is also a tribute to some of the members who were able to make the formulation which will not embarrass the ruling party but at the same time, express the pangs of the soul of the Opposition. In a very intelligent way they have actually summed up the entire criticism in a very mild way, but in a very sharp and pointed way. Therefore, let us not talk about the error or judgment. That particular description has been disregarded.

Now, let us come to the fixed and variable prices controversy. The Hon. Minister in his statement has quoted international experts. I think, rather than quoting international experts, it is better to quote international figures because the figures are more reliable than the experts, because the facts are more reliable than the human beings. Therefore, I would like to point out to the Hon. Minister that here I can place before him a table of prices. His argument is that he just imagined, on the basis of the knowledge of international experts, that the prices were likely to go up and, in national interest, with the philanthropic object, they decided that it was better to have a deal on the basis of fixed price because he indicated that the trend was that the prices were likely to go up.

As far as the prices are concerned the figures cannot lie. The members of the Opposition can lie; the members of the ruling party can lie. But the figures can never lie. Here are the Singapore Spot Prices for High Speed Diesel. Effective date 28-12-79 the price was 388.42 dollars per tone; on 9-1-80, it was 382.11—I think, that is less; on 22-1-80, it goes down to 369.47; on 31-1-80, it goes further down to 348.95; on 13-2-80, it still goes down further to

339.47 and on 20-2-80, it goes down still further to 333.16. I do not know whether the prices are going up or going down. Probably, he might be having an inverted vision and that is why, when the prices are coming down, he might be having a feeling that the prices are going up. Therefore, I would like to ask you to correct your vision, remove distortions, remove aberrations and look at the figures with a common perspective, so that you will be able to realise that the figures were already going down.

While the lowest figures on 20-2-1980 were coming down from 388 to 335 and 333, what was the rate of the price at which they made the purchases ?

5,12,155 tonnes of HSD were purchased at a fixed price of \$353.50 a tonne. What was the loss to the country?

I have an assessment that as a result of this type of deal in which they have played a part, the country must have lost anywhere between Rs. 9 crores to Rs. 12.5 crores. Who is responsible for this.

I think the new Minister for Petroleum, Chemicals and Fertilisers must not take the responsibility to the Ministry, but he must take the responsibility of all the sins of omissions and commissions of his predecessors.

DR. SUBRAMANIAM SWAMY:
Commissions are not sins !

PROF. MADHU DANDAVATE:
I am saying particularly this. I do not want to hurt my colleagues.

SHRI RAVINDRA VERMA
(Bombay North) : You do not want to hurt the commission of his sins !

PROF. MADHU DANDAVATE:
The target was made on the basis of these arguments and I tried to point out on the basis of facts and

figures how their entire approach was wrong.

Then we come to the sanctity of the tenders. I am glad that he has admitted in his own statement that there were 14 tenderers. Out of these 14 tenderers, some tenderers were treated very tenderly ! And others were treated harshly.

I know that the Hon. Minister is very tender-hearted personality ! But tenderness shown in wrong quarters, ultimately leads to very harsh realities and that is exactly what has happened in this case and, therefore I would like to know specifically from him, when a number of tenderers are there, instead of giving the same equitable treatment to all of them, he picked and chosen one particular tenderer, gave them the advice, "It will be advisable for you to change and revise the prices and then submit the tender".

I would like to know from the Hon. Minister whether it is a fact or not that out of these 14 tenderers, one tenderer was given a preferential treatment and unlike all others, he was allowed to revise the prices and, of course, the reward for this revision of prices was, that actually the contract was given.

The other tenderers were not allowed to do this.

The Hon. Minister should explain to this House, the sovereign parliamentary House of this country, as to why this particular discrimination was shown.

Then we come to the missing file. As far as the missing file is concerned, we are often told that, unnecessarily the Prime Minister has been brought into the picture.

We do not want to bring anyone into the picture unnecessarily.

[Prof. Madhu Dandavate]

We would like the Prime Minister to go on with her usual work and we would not disturb her at all.

But, sometimes, if you act in a particular manner when certain suspicions are created in the minds of the critics, in that case, they must be answerable for this criticism.

We find that the file P. 20 was missing. One Hon. Member in this House made a brief intervention. You know he is there. And when he spoke, I almost felt that a Daniel has come to judgement. He said that this file had nothing to do with the deal at all. Everything that the Press has been discussing, everything that the Hon. Members have been discussing, everything that the Hon. Minister is trying to actually explain away, it is all irrelevant from the point of view of the Hon. Member.

This is very relevant. Don't we, who feel that file P. 20 is relevant to the discussion, relevant to the statement, come to know about the file P. 20 ? How do we know that Prime Minister's residence has something to do with this deal ?

If the file P. 20 was a sacred document, if it has nothing to do with this particular deal, in that case, I would like to point out repeatedly, that when the officials of IOC and officials of the Ministry were asked to explain why this deal has taken place, what was the explanation that was given by them ?

It has already appeared in the newspapers. What did they say ? Leave aside the verbatim report which I am not allowed to lay on the Table of the House. But the irony of the situation is that what I am not able to lay on the Table of the House has been laid on the table of every newspaper, and that has been laid on the table of every one in the country. That is the tragedy or irony of the situation or, you may say, it is the

comic situation. Anyway, I will abide by your decision and I will not quote the verbatim report of the PUC, but I will quote the article on the basis of what has appeared on the files of various Ministries, including the Petroleum Ministry. The newspapers have reported that there have been jottings and notings on the Petroleum Ministry file, that, when they were asked to submit their documents and their explanation for the deal, they have noted down that, if they have to explain in a comprehensive way, in a comprehensive note, why this particular deal was resorted to, it is necessary that they must have recourse to File No. P-20 which is still lying at the Prime Minister's place. They were asked how much time they would take. They wanted two or three weeks. They were told that they could take that much time. They said on 31st March, 1982, that a comprehensive note would be submitted by the Petroleum Ministry explaining in a comprehensive way why this particular deal had taken place on the basis of fixed price, and on 31st itself, they informed the PUC, 'It is not possible for us to send a comprehensive note at all because we require the File No. P-20 which is lying at the Prime Minister's residence ; we are not able to get that file and, therefore, we are not able to submit the comprehensive note'. The comprehensive note to be prepared by the Petroleum Ministry to explain the deal with the Hong Kong firm could not be prepared because File No. P-20 was not available. I think, one who has not even any sense of logic, even such an illogical person, will not find difficulty in understanding the logic that there is a causal relationship between P-20 and this particular note that was to be prepared.....

AN HON. MEMBER : P-20 or 420 ?

PROF. MADHU DANDAVATE : I am not referring to 420; I am

referring to P-20. Therefore, it is very clear that there is a causal relationship between the File P-20 and the various circumstances and conditions under which this deal was made on the basis of fixed price. That is the reason why we insisted that we should be allowed to have the verbatim records laid on the Table of the House. I respect your ruling. I am sure that the future Speakers will be able to quote your ruling as a precedent. I am also sure that, if God blesses, let you be Speaker again, I have not the least doubt that you might revise your own ruling and create a new precedent in the future. When that happens, in some future Parliament, I will take the opportunity, under your Speakership, to seek your permission to lay on the Table the verbatim records of the PUC so that the facts may come because facts have to live in space as well as in time; they are boundless in time. Therefore, in the future I will be able to lay on the Table of the House.....

MR. SPEAKER : At least you are hoping that both of us will be here.

PROF. MADHU DANDAVATE: As far as this file is concerned, it was made explicitly clear that the file was missing at the Prime Minister's residence. One of my colleagues, Mr. A. T. Patil misunderstood me when I say why it was sent at the Prime Minister's residence; he felt that I was objecting to files being sent at a Minister's residence. Fortunately or unfortunately, having functioned as a Union Minister for some time, I know that, as far as a Minister's life is concerned, there is no distinction between his residence and his office, and files can be marked both at his residence as well as at his office. I was not objecting to that. I was only pointing out the fact that the file was sent to the residence of the Prime Minister. It was not sent merely for the sake of change

of climate; not that in the South Block or North Block the climate was not at all congenial for the preservation of the secrets of the file and that the atmosphere was congenial at the Prime Minister's residence and that is why it was sent. That was not the position. Obviously the Petroleum Ministry has a right to have consultations with the Prime Minister, seek her guidance and, Sir, which Ministry in the country under the Congress (I) would ever move in such important matters without taking the cue from the Prime Minister? They have a right of consultation, but, in their own case, it is more than that. It is not merely the right of consultation but the right of getting direction also. Therefore, for that purpose, the file was sent but the file never came back.

Now a very interesting argument was made. They say there is nothing wrong.....

PROF. N. G. RANGA (Guntur) : Nothing wrong.

PROF. MADHU DANDAVATE : Nothing wrong. That is exactly. What is wrong? There is nothing wrong.....

PROF. N. G. RANGA : In direction also.

PROF. MADHU DANDAVATE: Prof. Ranga Guru, please listen to me. What I am saying is that there is nothing wrong in sending the file to the Prime Minister's residence but there is something wrong in keeping the file stuck up there for a long time and not making it available to the officers so that on the basis of that they can prepare the necessary explanation and send it to the Public Undertakings Committee. That is exactly what is objectionable. Therefore, I say that it is not merely I who has been saying it. What about

[Prof. Madhu Dandavate]

the Audit? They also wanted the file. Why did they want it? Not to have a variety of files so that they can have the satisfaction that they have gone through a number of files. They are particularly interested in that file because they knew that the crux of the problem is that that file is a crucial file and that will reveal a number of aspects of the problem and that is why the Audit also wanted that file to be gone through. But, unfortunately, that was not available to the Committee. It was not also available to the Committee and, as a result, an elaborate explanation could not come. Now they are taking shelter behind a technicality. They say that the file was missing but afterwards it was available, and when it was not made available, why did not they make use of it? The former Chairman is sitting here and I and he happen to be the members of the same Committee. We want peace in the Committee. So I do not want to say anything by which my colleague will get up there and raise a point of order. Therefore, I am not going into the details. But, at the same time, I must make it clear that when the file came to them, it came at such a stage that even those who wanted to go through the file, they had no patience to go through the entire episode once again. There are many Members in this House. Some were Chairmen of the Public Accounts Committee and some are members of another committee. Here is the Member of the Estimates Committee of which I am also a Member. All of us know who have functioned on the financial committees that once the minutes are prepared, and when the reports are to be prepared, it takes a lot of time. Preparing the reports of Financial Committees is not like preparing the report of the Congress Party or the Opposition Parties public meetings which has to be sent to the Press. It is a more elaborate process. We have to carefully go through the

process. It takes along time. Therefore, on 2nd of April it was informed to the Committee, 'Here is the report and here is the file that is available', then on the basis of that file the ministerial authorities prepare the report. Then it comes to the committee. Then it examines witnesses and takes evidence and then they have to prepare the final report. The final report is never ready before the 30th of April which is the last day upto which the committee survives.

Therefore, many of them felt that there is something very suspicious and that is the reason why the last sentence was added that further inquiry is needed. Therefore, remember, the last word on the deal has not been uttered yet. In terms of the very wording of the report, a further inquiry is required. That would await a further inquiry or an explanation in this regard. So the final verdict on your behaviour and conduct would not be passed in this debate. It has to await the final inquiry report of this committee which has been duly constituted.

Shri Atal Bihari Vajpayee in his initial remarks made a suggestion that a parliamentary committee be appointed. There I will only make a slight variation. There I agree with the members of the ruling Party. Why do you need a new parliamentary committee? There is already the Public Undertakings Committee. It is already there. Fortunately the Committees are not abolished. The Parliament can be dissolved but the committees are not dissolved immediately. It is automatically dissolved when Parliament is dissolved. You cannot have separate dissolution of the Committee. The Committee survives till the life of Parliament. Fortunately, the Public Undertakings Committee is there and my friend Mr. Madhusudan Vairale, is there, a very capable man, though I have brought a privilege motion against him which is still pending. I may

incidentally remind you that you are still to give your ruling. Tomorrow at 12 O'clock, I will ask for it. In advance, I am making this demand that your ruling is pending.

Sir, when the Public Undertakings Committee is already there, no separate Parliamentary Committee is necessary. I am sure that if this Committee goes into these matters further in terms of its own recommendations and inference, I am sure, it will be established that all norms were flouted. They were flouted in this case. They have singled this out. Look at the deals before and after. Why give only a preferential treatment to this particular deal? That is all the more objectionable. Sir, we have raised this issue as part of our battle against corruption and mal-practice. I am not referring to any individual or defamation of any higher authority. This is an issue on which we carry on our battle. Our battle against corruption will not end with one debate. Our battle against corruption has begun. It will continue till the last corruption is ended in this country.

That is exactly the objective with which we have brought forth this discussion.

I am sure, this will not rest where it is. Our Hon. Minister will apply his mind properly and will prepare a fresh report. Before the Public Undertakings Committee fresh evidence will be brought and, ultimately, those who are guilty for this breach of norms corruption and malpractices will be brought to book.

SHRI S. M. KRISHNA (Mandya) : Sir, it is rather hard to follow the professor whose pupil I was for quite some time.

DR. SUBRAMANIAM SWAMY: Sometimes the professors are ashamed of pupils.

MR. SPEAKER : Sometimes the professor is pleased.

SHRI S. M. KRISHNA : Sir, under his guidance, I made my Parliamentary debut. It is very difficult, to comprehend, to strike an altogether different posture in facing the issue that has been presented by him.

The history of Indian Democracy is replete with very many instances when corruptions in high places had been exposed sometimes by the Opposition Parties and sometimes by the Members of the Ruling Party themselves. Professor Dandavate quoted a few instances. Let me add one. My thoughts go back to the memory of Late Feroze Gandhi the illustrious parliamentarian who exposed the Mundhra scandal who still belonged to the Congress Party. So, it is not as though this party which has inherited the legacy of Mahatma Gandhi, Pandit Nehru and Feroze Gandhi condoned corruption. (*Interruptions*) I am paying tributes to them and they refuse to accept them. Sir, it is not as if we, as Members of Parliament, of the Congress Party, with a glorious past—may be the glorious future—are made to condone corruption at any level. Do I have to remind the House that in the Committee on Public Undertakings, a majority of the Members represent the ruling party. Professor Dandavate said that the entire credit for exposing this so-called suspected corruption in this particular deal goes to Mr. Arun Shourie. Why not to Mr. Bansi Lal. After all he was the Chairman of the Committee on Public Undertakings.

What is this Committee meant for? Is this Committee not meant to scrutinise the various deals that take place in the Government. But what I do not admit is the well

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orchestrated campaign of vilification of a particular person—the Prime Minister—in the name of a missing file or a located file or in the name that there has been a very big scandal. That is where I entirely disagree. As regards the broad generalisation of norms of governance of this country and the Ministerial responsibility as propounded by Mr. Indrajit Gupta and Professor Dandavate I entirely agree with them but where I differ is in the essence of this matter.

Sir, I was also on the Committee on Public Undertakings and this was not the first deal which we have scrutinised critically. There have been any number of deals where we have critically examined various Officers and Ministers and in doing that we have derived satisfaction. We have done that also in this case. Sir, in order to come to a very objective assesment of the situation we will have to re-construct the month of January, 1980; the month of February 1980; and the months of March and April 1980. Well we came back through a mandate of the people. Did't we? We did. There was scarcity of oil in the country. We were still new in the Government. As there was scarcity and I am sure the Minister in his reply would bear me out when I make this assertion that the global commercial intelligence particularly on oil then said that Saudi Arabia was cutting on their crude production. I was stunned to hear Mr. Vajpayee ji making a charge that in the newspapers we engineered a news item-in-two newspapers—so that we can arrive at this conclusion.

SHRI ATAL BIHARI VAJ-PAYEE : I can prove that.

SHRI S. M. KRISHNA : I am not entering into a controversy with Vajpayeeji. Let us go to various other references. The Minister in his statement said that was not the

only basis on which he came to the conclusion. He referred to London based petroleum expert's opinion and there are so many other sources from which a Government—which is responsible—gets its information and on the basis of the information that was available to the Minister at that point of time they come to certain decisions. They take certain decisions. All of us become wiser after the event and invariably it happens.

Now, I would like to quote one instance where our projections go hayware. Take the Kudremukh Iron Ore Project. When Mrs. Gandhi was the Prime Minister and entered into an agreement with Iran none of us expected the upheavels that later swept Iran. Today what has happened? The Kudremukh project went beyond our control. And who can deny the fact that it is a 'seller's market'? For some time more it is going to continue to be a seller's market. So, having all this at the back of our mind, we will have to make an assesment whether the Minister did take a decision which was detrimental to our national interest. And here I would like to compliment Mr. Prakash Chandra Sethi for taking a decision. It is another matter to say good decision or bad decision; but decision has been taken. We are a party which believes in taking decisions. Otherwise, we would have converted ourselves to be another Janata party. First of all they did not take decisions; and even if certain decisions were taken, they were not implemented. We are a well-knit party. We have got to take decisions. In the statement the Hon. Minister has set at rest at least some of the doubts which have gripped friends like Mr. Unnikrishnan and others. And if we had not located the file, they would have gone ahead and told the entire nation from the top of Himalayan mountain that they have burnt the file. This type of

'file burning' charge, is not a new charge which has been levelled against the present Prime Minister. They are always in the habit of making such wild and irresponsible charges. Call it 'reckless' or whatever it is, they cannot substantiate the charges. Facts have proved what I am saying. Certain statements were made as if decisions of this nature have been made only in 1980. Professor Saheb quoted from the report of the Committee on Public Undertakings of 1981-82. Let me give him another quotation. Here it is stated :

"In 1976-77, 1977-78 and 1978-79, there were at least five occasions when contracts were entered into with an overseas supplier, INOC, Iraq, on fixed price basis for supplies to be made for a long term period. Whereas there was a loss to the IOC of about US Dollars 98,000 in the first two contracts, the remaining four contracts are stated to have resulted in a gain to the IOC of nearly Dollars 3.6 million."

Long term contracts on fixed prices were entered into in 1976-77, 1977-78 and 1978-79. Then, shall we appoint a Committee now to go into this, because 98,000 US Dollars loss was there in one deal? Can I ask for a Committee? Sir, we are governing a big country; there can be some pitfalls here and there. And when I am standing here to defend the decisions that have been taken, I am not oblivious to the slipshod manner in which the whole thing was handled at the Governmental level. I would be untrue to myself if I do not say, as a Member belonging to the ruling party, that they should have bestowed greater care, in the matter of dealing with such files and I am sure there are many Members in our own party who would subscribe to this kind of thinking.

Now, Unnikrishnan ji said that when Gangotri is polluted, Ganges

can never be pure. Now, Sir, my only point is, let us not try to pollute it still further. Let us try to put our heads together. You know that there are so many measures which we took to prevent pollution and we shall have to prevent pollution.

Now, Mr. Shiv Shankar, in his statement has made a reference about various deals and various contracts between countries, between parties on very many items during 1977, 1978 and 1979 starting with Paper, Aluminium, Rubber, Steel, Edible Oil and so many others. When we came into this House, we had said that this Government was not going to be vindictive. We say again that we intend to stick to that word which we gave to the nation through this House. We do not want Enquiry Commissions against the erstwhile rulers of this country and if we can make an effort.... ..

AN HON. MEMBER : Why not ?

SHRI S. M. KRISHNA : We can dig up so many skeletons from your cupboard. But we do not want to be vindictive. We are trying to be magnanimous and I am sure you would be compelled to appreciate our magnanimity in this. This is a sheer compulsion and nothing more.

SHRI SATYASADHAN CHAKRABORTY : Peaceful co-existence.

SHRI S. M. KRISHNA : If you want peaceful co-existence, I have no objection. Now, the Prime Minister's name has been mentioned. I entirely agree with Prof. Madhu Dandavate when he has said that she has been unnecessarily brought into the picture. It is unfortunate. As a former Union Minister, Prof. Madhu Dandavate knows the powers of a Union Minister and he has

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exercised it rightly, judiciously. We expect every Minister who takes oath of Office to exercise that power with the same judiciousness as some of you have observed while you were Ministers and here was a peculiar situation that in the beginning of first 3 months when the new Government takes over, all the Ministers' Private Secretaries who are getting settled, do not know about the way the files are to be received, taken and cleared and what not and in this process, as the Minister has very rightly said, there has been some slip and we own that slip. Now, they have got the file and it is in tact. The file is with the Minister and the Hon. Minister's statement makes it abundantly clear that whenever the Committee on Public Undertakings summons that file, it will be made available to the Committee for its scrutiny. With these words, I would like that this suffocated atmosphere about the missing file or the located file should be cleared once and for all and the curtain rung down on this.

SHRI C. T. DHANDAPANI (Pollachi) : Mr. Deputy-Speaker, Sir, I appreciate the Hon. Minister for having placed on the Table of the House a frank and fair statement and I am happy that the Government have given an opportunity to discuss this subject. Sir, the entire arguments were made against the Ministry and they were merely on the basis of suspicion. It is not substantiated by concrete evidence. The statement of the Hon. Minister has been interpreted by the various Hon. Members from their own angles. I must say that this is an evidence of hallucination of a morbid mind.

From this discussion, however, the House will be able to appreciate two important points. First, normally from this side charges are levelled against the Ministers that they are always playing in the hands of bureaucrats. But in this case, a new thing has happened; bureaucrats

have been left out, and the Minister overruling the decision of the bureaucrats are being accused, the bureaucrats are being supported by our friends. The other important point is that always allegations have been made from the rooftops that all the Ministers are the henchmen of the Prime Minister. The Prime Minister alone takes the decisions, and the other Ministers have not been acting independently.

SHRI RAM JETHMALANI (Bombay North West) : He is refusing charges which we have never made.

SHRI C. T. DHANDAPANI : In this case what we find is that without the knowledge of the Prime Minister, certain decision has been taken by the Minister in the interest of the country.

As far as other aspects of the matter are concerned, I do not want to go into them in detail as many Hon. Members from both the sides have dealt with the various aspects. I do not want to go into the details, how the tenders were floated and how one tender was accepted, and what involvements of the various persons are.

Much has been said about the missing file. In an administrative set up, it is nothing new, but an administrative lapse. In a big administration, misplacement of files does take place.

SHRI SAIYASADHAN CHAKRABORTY : Including in Tamil Nadu also.

SHRI C. T. DHANDAPANI : Yes, including West Bengal also. Not only the files were found missing, even the funds allocated to West Bengal for plan purposes were found missing.

As I said, this is an administrative lapse. Apart from this, we are

going to have ample opportunities to discuss about this entire episode after the submission of the Action-Taken report by the Committee on Public Undertakings.

While giving your ruling, Mr. Speaker, in the morning, you mentioned about certain such instances. On many occasions, files were called, and the same were not available. This has happened on some occasions; the misplacement of files is not something new. On many occasions, it has happened, and the files were traced out later and utilised by the Committees. Just to involve the Prime Minister in this particular issue, unnecessarily this matter was raised.

I would refer to another important matter now. The total requirement of the country for 1980-81 was 14.5 lakh tonnes, whereas the quantity purchased through this Kuo Oil Company was only five lakh tonnes. I would like to put a simple question. Had it been the motive of the Government to make money out of this, the Government would have purchased the entire quantity of 14.5 lakh tonnes right from this company. But they purchased only five lakh tonnes. Not that they have distributed it, but wherever it is available, it has been purchased. So, Sir, I would repudiate the charge that there was some motive; There was scandalous act in the matter. I repudiate this charge.

20-00 hrs.

Before I conclude, I want to say only one thing. In this capital of the country, some bad elements are roaming about. There is no doubt about it. They are roaming about in the Ministry; they are roaming about in some offices. They exploit without the knowledge of the Ministers. They have some access to the politicians, not to the Ministers. Through them they are trying to grab money. I would request the

Government to keep an eye on such elements and book them.

Sir, the Hon. Minister has stated in the end of his statement that it is obviously a genuine case of misplacement of a file for which one really feels sorry. He has felt sorry for the mistake which has taken place. I know his feelings, I respect his feelings. By saying this, I welcome the Statement of the Hon. Minister.

श्री आर. एन. राकेश (चैल.) : अध्यक्ष महोदय, जब केस अच्छा होता है और क्लायंट अच्छा होता है तो वकील अच्छी वकालत कर सकता है और जब केस खराब हो और क्लायंट अच्छा हो, तो वकील काम-चलाऊ वकालत कर सकता है, और जब केस और क्लायंट दोनों खराब हों, तो वकील मजबूरी में वकालत करता है, लेकिन तब हालत बहुत दयनीय होती है और सांप-छछूंदर जैसी हालत होती है जब खुद वकील को क्लायंट के कटघरे में खड़े हो कर वकालत करनी होती है। आज पेट्रोलियम मंत्री महोदय की भी यही हालत है जिस पर मुझे बड़ी दया आ रही है।

अब तक इस सदन में तमाम बहसों हुई हैं और ईंट, पत्थर और लोहे का भोजन पानी हो गया। लेकिन यह तेल का मामला डाइजैस्ट नहीं हो पाया और अबीशन हो गया है। (अवधान) ...

अध्यक्ष महोदय : कोई डाक्टर है यहां ?

श्री आर. एन. राकेश : 22-2-80 को कुओं आयल कम्पनी से एच० एस० डी० का यह डील होता है और अप्रैल में फाइल प्रधान मंत्री जी मंगा लेती हैं और 2 साल बाद इस केस पर आज इस सदन में बहस हो रही है। मैं अधिकारियों को धन्यवाद देता हूं और उन अखबार वालों को धन्यवाद देता

[श्री आर० एन० राकेश] हूं, जिन की बदौलत ये तथ्य सामने आए, अन्यथा अगर यह तेल का मामला न होता, तो इसे भी लोग आसानी से डाइजेस्ट कर लेते क्योंकि इन का पेट सब डाइजेस्ट कर लेता है।

मैं यह भी बताना चाहता हूं कि सब से पहले इस एच० एस० डी० के मामले को 7-4-82 को कानपुर के दैनिक अखबार 'जागरण' ने प्रकाशित किया।

इस सदन में सब से पहले मैंने स्टांड क्वेश्चन नं० 891, दिनांक 27-4-82 को सप्लीमेंटरी क्वेश्चन के रूप में पिछले सत्र में उठाया था। मेरा सप्लीमेंटरी क्वेश्चन था कि—

“क्या यह सच है कि आई० ओ० सी० ने क्यू आयल कम्पनी से एच० एस० डी० न खरीदने का सुझाव दिया है लेकिन आई० ओ० सी० की एडवाइस के खिलाफ 15 लाख टन एच० एस० डी० और 10 लाख टन केरोसीन खरीदने के लिए सरकार क्यू आयल कम्पनी से समझौता करने जा रही है और इसी समझौते के लिए एक डेलीगेशन सिंगापुर पहुँच चुका है ?”

“यह वही क्यू आयल कम्पनी है जिससे आई० ओ० सी० की राय के खिलाफ आप की सरकार 5 लाख टन से भी अधिक एच० एस० डी० पहले ही खरीद चुकी है और सम्बन्धित फाइल प्राइम मिनिस्टर हाउस से मंगा कर सीज कर ली गयी है।”

इस के जवाब में पेट्रोलियम एण्ड केमिकल मिनिस्टर श्री शिवशंकर जी ने कहा था कि—

“मैं समझता हूँ आप को जो इन्फेर्मेशन है वह या तो खाम ख्याली है या सच्चाई पर

विश्रंभ नहीं है क्योंकि कोई ऐसी फाइल नहीं है जो पी० एम० हाउस से मंगवाई गई है।”

बीच में हस्तक्षेप करते हुए माननीय श्री अटल बिहारी वाजपेयी जी ने कहा था—
“अध्यक्ष महोदय, जिस तरह से मंत्री महोदय जवाब दे रहे हैं मुझे इस में कुछ गड़बड़ मालूम होती है।”

इस के बावजूद न तो उन्होंने इस बारे में हां या ना नहीं कही, अब मैं मंत्री महोदय, से इतना जानना चाहूंगा कि माननीय शिवशंकर जी आप की निगाह में हमारी हर सूचना खाम ख्याली ही, सच्चाई से परे ही, जो बाद में सरकार को बेनकाब करे, मगर जो सूचना सच्चाई से परे हो और बाद में वह असत्य साबित भी होती है तो ऐसे असत्य के लिए आप क्या कहते हैं ?

आप तो हैदराबाद हाई कोर्ट के न्याय-मूर्ति रह चुके हैं। फिर आप को सच्चाई और गैर-सच्चाई में फर्क करने में कैसे चूक हो गयी। अगर आप सच्चाई और गैर-सच्चाई में फर्क नहीं जानते हैं—

प्रो० सत्यदेव सिंह : ये माननीय मंत्री महोदय के विवेक पर और सक्षमता पर संदेह कर रहे हैं जो कि ठीक नहीं है।

श्री आर० एन० राकेश : मैंने जो कुछ कहा है, उसको आप धैर्यपूर्वक सुनें।

मंत्री महोदय, अगर सच्चाई और गैर-सच्चाई के फर्क को नहीं पहचानते हैं तो आज आप इस डील के सम्बन्ध में जो बयान दे चुके हैं कि रेलेवेन्ट डाकुमेंट्स धामे हैं, जो फाइल मिनिस्टर की उसकी मंगाया गया है, क्यू आयल कं० के साथ एच० एस० डी० की डील से इन्कार किया जाना, इन सब को कैसे विश्वसनीय कहा जाए। आपने

इंडियन एवीडेंस एक्ट के अन्तर्गत हकीकत को छिपाया है। आप के मोटो, आपकी इन्टेशन से यह साफ जाहिर होता है कि आप ने इस पर पर्दा डालने की कोशिश की है। इस पर बयान देने की जरूरत नहीं, सफाई देने की जरूरत नहीं क्योंकि आपका इंकारना ही इस बात का सबूत है कि इस चीज में गड़बड़ है।

बड़ी खुशी की बात है कि सरकार के खिलाफ, इस डील के खिलाफ गवाह सरकार में ही बैठे हैं, सबूत बाहर से लाने की जरूरत नहीं है घटना का तथ्यवत बयान माननीय अटल बिहारी जी दे चुके हैं, दूसरे माननीय सदस्य भी दे चुके हैं, माननीय जेठमलानी जी को भी मौका मिलेगा तो वह भी देंगे। मैं तो सिर्फ इतना कहना चाहता हूँ कि इस डील में क्या-क्या गड़बड़ी की गयी है। चूंकि समय कम है, इसलिए मैं थोड़ी बातें कहना चाहता हूँ। अध्यक्ष महोदय, मैं इसके डीटेल में न जाकर कहना चाहता हूँ कि पब्लिक अण्डरटेकिंग कमेटी को फाइल न देकर के विशेषाधिकार का मामला माननीय प्रधान मंत्री ** के सेक्रेटरिएट ने किया है।**

पब्लिक अण्डर टेकिंग कमेटी उसे न देख सके, देश के अखबारों में आया है। मेरे पास भी जो तथ्य आए हैं, उसके अनुसार 12 करोड़ रुपए का इस डील में देश को घाटा हुआ है और कहा जाता है कि 12 करोड़ रुपया कमीशन खाया गया है। ** सीधा हाथ कहा जा सकता है। (व्यवधान) मैं माननीय मंत्री जी से जानना चाहता हूँ कि इस कमीशन के पैसे को लेकर कई माननीय सदस्यों के यहाँ छापे मारे गए हैं, वे कौन-कौन से माननीय सदस्य हैं? क्या मंत्री

महोदय हकीकत बयान करने का कष्ट करेंगे?

AN HON. MEMBER: Point of order, Sir. These are aspersions on the Prime Minister. They must be expunged.

MR SPEAKER: He should not cast aspersions on anybody.

श्री आर० एन० राकेश: यह देश देख रहा है कि गड़बड़ी हुई है, साबित हो गया है कि सरकार केवल कमीशन खाने के लिए है, मुल्क के कल्याण के नाम पर कमीशन खा रही है।

“तेल देखो, तेल की धार देखो,
एच० एस० डी० की डील में खुला
गोलमाल देखो।”

SHRI SATYASADAN CHAKRABORTY: We are prepared to burn midnight oil.

MR. SPEAKAR: Mr. Jethmalani.

DR. SUBRAMANIAM SWAMY: Mr. Jethmalani by special invitation.

SHRI RAM JETHMALANI (Bombay North West): Mr. Speaker, Sir, we are discussing a somewhat sad and sordid subject but nevertheless the debate that has taken place has its bright spots which undoubtedly, Sir, I must confess, revived my somewhat sagging faith in the future of this country as well as its institutions.

Sir, some persons who emerge from this debate deserve to be complimented and I do not wish to be stingy and withhold those compliments. The first person I wish to compliment is Mr. Shiv Shankar, the present Minister in charge of

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this Department. Sir, he became the Minister in charge of this Department on the 15th January, 1982 and the file which had been missing for two years, did somehow appear on the scene on the 5th April, 1982. He deserves to be complimented that at least during his regime a missing file did see the light of the day.

Sir, there are still questions which remain to be investigated: whether the file appeared because of him, or in spite of him, whether the file which is said to have appeared is the same file which was originally missing and whether even if it is the same file, it is the file which contains the full...
(Interruptions)

PROF. MADHU DANDAVATE :

It is a felt-handed compliment.

SHRI RAM JETHMALANI :... or it is the file minus the incriminating evidence. These are questions which still remain to be investigated. Nevertheless, I am prematurely paying a compliment to him. Another person, who emerges in good light is our good friend, Mr. Veerendra Patil, once upon a time our Party candidate. I had the honour of campaigning for him; unsuccessfully but I campaigned for him. I am glad in retrospect that in spite of his new alignments and in spite of the office which he took in the new party, his conscience was not entirely blunted. At least when he took charge of his Department on or about 7th March, he did discover that something fishy was going on in this file and as a Minister and a newly appointed Minister, the best thing he could do and he did was to refer the file to the Prime Minister for advice as to how he should act on future occasions. It is an admitted fact that the file did go to the Prime Minister for advice. I will revert to that in a minute. Let me finish the

list of people, who deserve to be complimented.

The third is a bunch of people who emerge very well in this debate and deserve to be complimented. They are the officers, who told us where the file was. On the 16th January, 1982 the news broke upon an unsuspecting Committee that this file had remained in the Prime Minister's house for two years. That there are still good and honest officers, who do not believe in the immortality of this regime and who are prepared to discharge their duties and speak the truth, is a matter which is of utmost and supreme satisfaction to me and I hope, to every Member of this House. These intrepid officers, who told us that two years back, the file had gone to the Prime Minister's house, deserve the commendation of everybody.

There is a further bunch of officers, who deserve to be complimented. That is the bunch who, at the time of this nefarious transaction, did not subvert economic and financial factors. They read the current economic and financial markets correctly and they fearlessly recorded their opinion and they were not afraid of being over-ruled by a Minister, who was in-charge, They deserve to be complimented.

That intrepid journalist, to whom we certainly owe the holding of this debate, I do not wish to name him, Mr. Dandavate has profusely complimented him—deserves to be complimented.

The last but not the least, it is the Treasury Benches today, who deserve to be complimented because not a single speaker on the Treasury Benches has said that he would resist the exposure of corruption. Everybody is agreed that corruption must be exposed whether it is in the Government or the ruling party or whether it is in the previous Government or whether it is in the ranks of

the opposition itself, that too is a place where corruption may be practised. I wish to compliment everybody on the Treasury Benches that this attitude is a commendable attitude.

Now, that brings me to the crux of my thesis, which I wish to present to the House as briefly as I can. It is said that what the Minister did in February, 1980 was an error of judgment. The admitted facts are that the Minister arrived at a certain decision. That that decision was an unprecedented decision. That it was a complete deviation from the rules and practices which existed till then. That it was a decision which was taken contrary to the unanimous advice of his subordinates ; that he had not consulted any other member of the Cabinet. And the further admitted fact is that the sole economic and financial data on which he acted were two anonymous articles which appeared in some two newspapers, the authenticity and the credibility of which he never investigated. The further fact which stares us in the face is that he took a decision, which ultimately cost the poor people of this country a sum of ranging between Rs. 10 and 15 crores. I am prepared to concede that it can be an error of judgment on the facts which are disclosed in the statement of Mr. Shiv Shankar this morning. And we have been challenged today by speaker after speaker that we have not succeeded in showing that any part of this statement of Mr. Shiv Shankar is false. Shri Shiv Shankar's statement is not false ; his statement is more dangerous than being false. Every lawyer knows that *suppresio veri* is more dangerous than *suggestio falsi*. There are a large number of important facts, which are missing from this document. What is false is his assertion, the final conclusion, which he draws from the admitted facts. If correct inferences are to be drawn even from the admitted facts which he has

mentioned, the inference would be that this is not an error of judgment, this is a colossal monumental fraud. I only wish now to take a few minutes to marshal that evidence. It is circumstantial evidence, and circumstantial evidence is more important than the evidence of human beings, for circumstantial evidence, as every lawyer knows, does not lie.

First of all, let us draw the right inference from the conduct of Shri Patil. He has sent the file for advice to the Prime Minister. He sent the file, because the advice from the Prime Minister was urgently called for, it was imperatively called for ; there can be no two opinions about that. Now we are asked to believe that Shri Patil, after having sought advice, forgot all about it for one year. I am not prepared to believe this cock and bull story. It is a cock and bull story which cannot be believed for the simple reason that Shri Patil was seeking the Prime Minister's advice so that he would be able to act in accordance with that advice on all future occasions. These deals take place from day to day, and every time thereafter a deal took place. Shri Patil must be reminding himself "how do I proceed to act in this deal, I have not yet received the Prime Minister's advice, which I have called for". Therefore, it is a physical human impossibility. And it must be an impossibility to every person, except three classes of persons. The first class of persons is those who do not draw correct inference from circumstantial evidence, because they have no commonsense. The second is the category of people who have no conscience. I am prepared to concede that sitting here are neither fools nor knaves. They are people with intelligence, they are people with conscience. But there is a third category of persons, who are much more dangerous, who refuse to draw correct conclusions from established evidence, because they suffer from a sense of some sort of paralysed and inhibited process of reasoning,

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because they are so much under the spell of the Supreme Commander—how could the Supreme Commander be anything but completely honest and straight, how could the team selected by the supreme leader be anything less than completely honest, how could a Minister in the Government of Mrs. Gandhi be corrupt—this kind of “how could this be” is something which compels them to discard the conclusions which both their commonsense and conscience dictate.

Shri Patil continuously was reminded on the occasion of every deal that this advice has still not been forthcoming. He could never forget that the file was still lying with the Prime Minister.

MR. SPEAKER : He should conclude.

SHRI RAM JETHMALANI: This is a very important point. Kindly permit me a little more time.

If Shri Patil was reminded of this, the thing he would have done was that he would have sent a reminder to the Prime Minister that “I have sent this file, I am waiting for your advice”. The very fact that Shri Patil kept quiet for a period of one year is a matter which requires investigation, is a matter which raises a legitimate inference.

The only legitimate inference which one could draw from the conduct of Shri Patil was that he was persuaded to maintain an attitude of complete silence thereafter, and he could be persuaded, a Minister in the Cabinet can be persuaded, to maintain an attitude of silence, without speaking, without complaining, without reminding, which would be the normal course, means, the only inference

is, that a superior power prevailed upon him to adopt that course, and the only superior power could be the incumbents of the palace, the incumbent of No. 1, Safdarjung Road. I am not making any allegation against Mrs. Gandhi because at the moment I have no evidence to identify which powerful incumbent of No. 1, Safdarjung Road produced this attitude of ** in Shri Patil, who earlier showed a commendable degree of conscience and bravery in at least referring the matter to the Prime Minister.

Sir, it is Mr. Shiv Shankar who wants you believe and wants the world to believe today....

PROF. N. G. RANGA : Excuse me, I am sorry to disturb you. That particular phrase is a very dangerous phrase and vicious phrase** I take objection to it.

(Interruptions)

MR. SPEAKER : We will see if there is anything unparliamentary.

SHRI RAM JETHMALANI : Sir, you can substitute any other equivalent expression in its place, nearly equivalent.

Sir, the file did not return today, in retrospect Mr. Shiv Shankar wants this House to believe what? He asks us to believe that in the Prime Minister's office there is complete chaos. A file sent by an important Minister seeking guidance upon an important matter involving crores of rupees should get lost because it is tied up with some old bundles shows that there is complete chaos in the Prime Minister's house. But, Sir, I am not the one who says that there is chaos. I suggest that the Prime Minister is efficient, I suggest that the Prime Minister's staff are people who know how to conduct their

**Expunged as ordered by the Chair.

affairs. I know that there is no chaos, there is no negligence, but if there is no negligence and chaos which Mr. Shiv Shankar wants us to believe, then there is something worse and that something worse is that No. 1 Safdarjung Road was in conspiracy with, and was a party to, this whole matter being kept completely concealed from public view for a whole year. And, Sir, which incumbent of No. 1, Safdarjung Road is involved? Mr. Shiv Shankar has still to determine and inquiries have to be conducted on these lines and we have to find out. I am not one of those who suffer from this kind of a curtain upon my eyes that nothing could be wrong at No. 1 Safdarjung Road. Everything could be wrong. A certain degree of scepticism, a certain degree of doubt is the first condition for the discovery of truth. If Newton had not suspected the doctrines of Greek Astronomy, we would still be living in the Newtonian world.

MR. SPEAKER : Mr. Zainul Basher.

SHRI RAM JETHMALANI : Sir, when I get to an embarrassing point, you close.

MR. SPEAKER : I gave you five minutes, you have taken ten minutes.

SHRI RAM JETHMALANI : Why five minutes to me?

MR. SPEAKER : No.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAIN SINGH) : You have allotted time for it, Sir.

MR. SPEAKER : That is all right. Please take your seat. I have given you more time. I have allowed you five minutes, you took ten minutes. Now I give you two minutes.

श्री सत्यनारायण जटिया : परस्पर सहयोग वाली बात है ।

अध्यक्ष महोदय : मेरे साथ भी सहयोग होना चाहिये ।

It should not be a one-way traffic.

(Interruptions)

SHRI RAM JETHMALANI : Are you agreed on two minutes more?

MR. SPEAKER : All right.

SHRI RAM JETHMALANI : Thank you very much. You are always so sweet. I do not know why today you are...

(Interruptions)

Sir, on the 6th December 1980, auditors wanted the file. If on 6th December the auditors wanted the file, will Mr. Shiv Shankar enlighten as what action was taken? Because, his document is blissfully silent upon this issue as to why is it from the 6th December 1980—the file could not be produced thereafter? When did the search start? Who started the search? Was the search started by the same person who originally caused the disappearance of the file? These are all serious problems which still require to be investigated and I say, Sir, that ultimately if we both are interested in maintaining standards of rectitude and honesty, if we are both agreed and if all sides of the House are agreed that corruption must go because corruption is a cancer which is biting at the vitals of our organism, if that is a point on which we are agreed, let us now put our cards on the table, let us not stand on technicalities, let us not stand on rules of procedure because rules of procedure are intended to advance justice and the discovery of truth. If the rules of procedure stand in the way of discovery of truth, they must also be discarded because the

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discovery of truth is the supreme function of this august House and I hope, if you don't wish to lay yourself open to the charge that you are parties to a criminal conspiracy to conceal evidence of a previously committed fraud, you must now open up your books, open up your accounts and open up your affairs to investigation and perhaps then, you may still be able to tell the world that this was an error of judgment. *Prime facie*, it is not an error of judgment, but a stinking, stupendous fraud.

श्री जैनुल बशर (गाजीपुर) : अध्यक्ष महोदय, इस सारे मामले से ऐसा लग रहा है कि जैसे खोदा पहाड़ और निकली चुहिया ।

एक माननीय सदस्य : और वह भी मरी हुई ।

श्री जैनुल बशर : माननीय वाजपेयी जी तेल के जिस घब्बे को देखना चाहते हैं, वह घब्बा वहां नहीं है । उनकी आंख में कुछ गर्द पड़ गई होगी, या किसी ने डाल दी होगी, लेकिन उनको घब्बा नजर आ रहा है ।

इस समय विरोधी दल की हालत ऐसी है कि सदन में न दिखाई देने वाला एक व्यक्ति आज विरोधी दल का नेता है । उसके पीछे विरोधी दल एक हो जाता है । उस व्यक्ति को हर मामले में भ्रष्टाचार नजर आता है । मैं समझता हूँ कि अगर वह पत्रकार न होता, तो शायद विरोधी दल की अपनी भूमिका इस सदन में न होती । उस पत्रकार और माननीय सदस्य, श्री जेठमलानी, की एक बात बिल्कुल कामन है और वह यह है कि शायद वे श्रीमती गांधी से व्यक्तिगत नफरत ले कर पैदा हुए थे और उसका इजहार श्री जेठमलानी ने यहां किया ।

भ्रष्टाचार कहां है ? जब वह खुद शासक दल में थे, जनता पार्टी में थे, उस समय भ्रष्टाचार के कितने आरोप लगाए गए थे प्रधान मंत्री के खिलाफ, होम मिनिस्टर के खिलाफ । स्वयं उस सरकार के गृह मंत्री ने यह कहा था कि जनता पार्टी के सब मंत्री भ्रष्ट हैं । (व्यवधान) उन्होंने नपुंसक भी कहा था । जाहिर है कि भारत सरकार का गृह मंत्री अरुण शोरी से ज्यादा जिम्मेदार होगा । उसके पास फेक्ट्स रहे होंगे, फाइंडिंग रही होगी, विभिन्न प्रकार की रिपोर्ट्स उसके पास रही होंगी । मैं चौधरी साहब को व्यक्तिगत तौर से जानता हूँ । उनके साथ मैंने बहुत दिनों तक काम किया है । भ्रष्टाचार के मामले में वह झूठ बात नहीं कहते । उस वक्त श्री राम जेठमलानी कहां थे ? आज वह अवतार बन कर नीचे उतरे हैं । उस समय उनका कानशेंस कितना साफ और उजला था, यह बात मेरी समझ में नहीं आई ।

SHRI RAM JETHMALANI : Sir, You will deal with this. I am not inclined to.

श्री जैनुल बशर : मामला बिल्कुल सीधा-सादा है, जो मंत्री महोदय के बयान से जाहिर होता है । तेल की जरूरत थी । हम लोग देश में चुनाव लड़ रहे थे । हाहाकार मचा हुआ था । जनता सरकार ने अपने क्रिया-कलापों से ऐसी स्थिति पैदा कर दी थी कि देश के अन्दर का तेल भी नहीं निकल पा रहा था और बाहर का तेल भी नहीं आ रहा था । ऐसी स्थिति में तेल की आवश्यकता थी । टैंडर दिया गया । उसमें यह नहीं बताया गया कि फिक्स्ड प्राइस पर लेंगे या वेरिएबल प्राइस पर लेंगे, इस लिए कि आपन आप्शन था । उसकी कानूनी तौर से नियमानुसार जांच-पड़ताल हुई । इंडियन

आयल कार्पोरेशन ने अपनी राय दी और मंत्रालय के सेक्रेटरीज ने अपनी राय दी होगी। यह अजीब विडम्बना है कि जब मंत्री अफसर की राय मान लेता है, तो कहा जाता है कि देश में नौकरशाही राज्य कर रही है, जब मंत्री अफसर की राय नहीं मानता तो कहा जाता है कि यह गलत काम हुआ, अफसर की राय क्यों नहीं मानी गई। मैं आप से पूछता हूँ कि क्या मंत्री को आप इतना अधिकार भी नहीं देंगे कि वह अपने विवेक से काम कर सके? तो फिर वह मंत्री किस बात का जो वह अफसर की राय ही माने? मान लिया कि नीचे से ऊपर तक सारे अफसरों ने एक राय दी लेकिन मंत्री का विवेक यह कहता है कि यह राय ठीक नहीं है तो उस को अपनी राय देनी पड़ेगी। आप भी मंत्री रह चुके हैं, वाजपेयी जी भी रह चुके हैं, दण्डवते जी भी रह चुके हैं। क्या वह हमेशा अफसरों की राय ही मानते रहे? कभी भी उन्होंने अपनी राय नहीं थोपी? मंत्री ने नेकनीयती के साथ एक फैसला किया। उस वक्त तेल की प्राइस बहुत कम हो गई थी। दण्डवते जी ने प्राइस कोट किया, ठीक किया। उन्होंने एक एक दिन की फिगर बतायी, कम हो गई थी, कम होती जा रही थी। लेकिन जो तेल के एकोनामिस्ट थे इस देश में भी और बाहर भी, सारे लोगों की राय थी कि जितनी प्राइस कम होनी थी वह हो चुकी, अब ट्रेन्ड आने वाला है कि ये कीमतें ऊपर जायेंगी। जब प्राइस बिलकुल बाटम पर आ जाती है तो हर व्यापारी यही कहता है कि इसी प्राइस पर करार कर लो क्योंकि अब प्राइस ऊपर जाने वाली है, लाग टर्म कांट्रैक्ट इसी प्राइस पर कर लेना चाहिए। जब प्राइस ऊपर जातो है तब अलग-अलग दिनों की प्राइस की बात आती है, तब प्राइस के वैरिेशन के मामले में कांट्रैक्ट किया जाता है।

उस समय की स्थिति में मंत्री ने जो फैसला किया उसको गलत कहा जा सकता है। विरोधी दल के लोगों को अधिकार है कि वह गलत कहें। हमें अधिकार है कि हम उसको सही कहें। लेकिन यह नहीं कहा जा सकता कि वह फैसला नेकनीयती से नहीं किया गया था, उस फैसले में किसी भ्रष्टाचार की गन्ध थी और वह फैसला किसी दबाव में आकर किया गया था। यह आरोप नहीं लगाया जा सकता। आप कह सकते हैं कि मंत्री ने गलत फैसला किया। मंत्री गलत फैसले भी कर सकता है सही फैसले भी कर सकता है। लेकिन अगर नेकनीयती से फैसला करता है तो उस पर उंगली नहीं उठायी जानी चाहिए थी। मंत्री ने एक फैसला किया। उस समय का जो वातावरण था, जो स्थिति थी उसकी रोशनी में उन्होंने फैसला किया। मंत्री कोई ज्योतिषी नहीं होता और शायद मंत्री ने किसी ज्योतिषी से पूछा भी नहीं होगा। मंत्री ज्योतिषी से पूछ कर अपने भविष्य की चिन्ता तो कर सकते हैं लेकिन दिन प्रति-दिन के फैसले नहीं करते। तो उन्होंने फैसला किया। उसमें कहां से प्रधान मंत्री आ गईं, कहां से मंत्री की बदनीयती आ गई, यह बात मेरी समझ में नहीं आती।

प्रधान मंत्री के यहां फाइल उस मामले को लेकर नहीं गई थी बल्कि पाटिल साहब ने आगे कंसे फैसले किये जाएं उसके बारे में राय देने के लिए भेजा था। उसके बाद मैं जहां तक समझता हूँ पाटिल साहब ने विभिन्न मंत्रालयों से बातचीत करने के बाद—क्योंकि यह तो रोजाना तेल का मामला आता है, खरीद बराबर जारी है, यह एक कांटीन्युइंग प्रोसेस है—उन्होंने कोई फैसला कर दिया होगा। उस फाइल की जरूरत नहीं पड़ी होगी। तो ज्यादा से ज्यादा यह कहा जा सकता है कि यह गलती है, यह एरर है... (व्यवधान) मैं यह कह रहा था

[श्री जैनुल बशर]

कि उसमें प्रधान मंत्री कहां से इन्वाल्व हो गईं? यह जरूर बात है कि फाइल कुछ दिनों तक नहीं मिली, मिसप्लेस हुई। यह रूटीन में जैसा दण्डपाणि साहब ने कहा, होता रहता है। अक्सर फाइलें, अगर उन की जरूरत नहीं महसूस होती तो वह कहीं इधर-उधर पड़ी रहती हैं, उनको खोज नहीं निकाला जाता। इसके लिए मंत्री जी ने स्टेटमेंट में खेद प्रकट किया है और इस से अधिक वह कुछ कर भी नहीं सकते थे।

यह जो डील हुआ है फिक्स प्राइस पर यह कोई अकेला डील नहीं है। जेठमलानी जी ने कहा कि हमेशा की परम्परा से हट कर पहली बार ऐसा डील किया गया। यह तो पी० यू० सी० की रिपोर्ट में ही दिया गया है कि अनेक बार ऐसे डील हो चुके हैं। जो डील फायदे के समझ में आते हैं फिक्स प्राइस पर समझ में आते हैं तो फिक्स प्राइस पर और दूसरे तरीके से समझ में आते हैं तो दूसरे तरीके से किये जाते हैं। क्या यह सही नहीं है कि जनता पार्टी के जमाने में एडिबल आयल्स के, अलमूनियम के, पेपर के, स्टील के और अन्य चीजों के फिक्स्ड प्राइस पर कान्ट्रैक्ट्स किए गए और उनमें भी नुकसान उठाना पड़ा? उसके पहले भी जो सरकारें रही होंगी उनके समय में भी नुकसान उठाना पड़ा होगा। मैं विरोधी दल की आलोचना नहीं करता कि क्यों नुकसान हुआ, मैं उनके अधिकार समझता हूँ। उस समय उनके जो भी मंत्री थे उन्होंने नेकनीयती से फैसला किया लेकिन व्यापार में तो फायदा भी होता है और नुकसान भी होता है। परन्तु उसमें भ्रष्टाचार को दूँ नुकालना मेरे खयाल में उचित नहीं है। मैं पहले भी कह चुका हूँ और आज फिर कहता हूँ कि विरोधी दल

के लोग एक पत्रकार के लिखने पर, जो करप्शन और भ्रष्टाचार का वातावरण देश में पैदा करना चाहते हैं वह इस देश के लिए और जनतन्त्र के लिए अच्छी बात नहीं है। इससे जनता के बीच में राजनीतिक लोगों के प्रति शंका पैदा होती है, जिस राजनीतिक सिस्टम पर यह देश चल रहा है उसके प्रति भी शंका पैदा होती है। देश में ऐसा वातावरण पैदा करना इस देश के, जनतन्त्र के और इस संसद के हित में नहीं है। कई बार विरोधी दल के नेताओं ने यहाँ पर प्रिविलेज मोशन रखा। हम समझते थे कि विरोधी दल के लोगों के पास कोई सबूत होगा, कोई कांक्रिट तथ्य होंगे जिनको वे सदन में पेश करेंगे जिससे मालूम होगा कि भ्रष्टाचार हुआ है या कोई मंत्री अथवा अफसर उसमें शामिल था किन्तु बड़े-बड़े विद्वानों और बड़े-बड़े नेताओं के भाषण सुनने के बाद यही निष्कर्ष निकला कि केवल उन्हें शंका है, तथ्य उनके पास कोई नहीं हैं। उन्होंने आरोप लगाते हुए कहा कि एक कमेटी इसकी जांच कर ले। लेकिन यह कोई पहला अवसर नहीं है, मुझे याद है अनेक बार पब्लिक एकाउण्ट्स कमेटी, पब्लिक अण्डरटेकिंगज कमेटी और ऐस्टिमेट्स कमेटी ने इस प्रकार की गलतियाँ निकाली हैं कि खरीद इतने रुपए में होनी चाहिए थी जब कि इतने रुपए में की गई या फिर उस मामले में ठीक तरह से नियमों का पालन नहीं किया गया। इन कमेटीज ने बार-बार ऐसी फाइडिंग दी है और इन कमेटीज का काम भी यही है।

ऐसी बात भी नहीं है कि सरकार के मंत्री या अफसर गलती नहीं करते। गलतियाँ तो सभी से होती हैं और हो सकती हैं लेकिन इसमें किसी की नीयत पर शुबहा नहीं किया जा सकता। यह नहीं कहा जा सकता कि इसमें भ्रष्टाचार है। इस प्रकार की बातें

कहना हमारे राजनीतिक सिस्टम और नेतृत्व पर शंका पैदा करता है। हो सकता है कि हम आज सरकार में हैं, कल न रहें इसलिए इस तरह की बातें कहना आपके लिए अच्छा नहीं होगा। आपने शाह कमीशन बनाया और सारी जांच करवा डाली प्रधान मंत्री की, अन्य मंत्रियों की तथा अफसरों की लेकिन फिर भी जनता ने आप पर विश्वास नहीं किया, शाह कमीशन की फाइंडिंग पर जनता ने विश्वास नहीं किया जिसके लिए जेठमलानी जी ने बड़ा प्रयत्न किया था, संसद में भी वकालत की और कमीशन के सामने भी वकालत की। उन्होंने फीस ली या नहीं, यह मैं नहीं जानता, हो सकता है बिना फीस के काम किया हो। लेकिन जनता ने उस पर विश्वास नहीं किया। जनता ने कांग्रेस को और श्रीमती इन्दिरा गांधी को पावर में वापिस भेज दिया। जनता उनका विश्वास करने वाली नहीं है। एक पत्रकार और ऐसा पत्रकार जो चरित्र हत्या करना चाहता है, उसके निर्देश में अगर "विरोधी दल" चलाना चाहते हैं तो इस देश में विरोधी-दल की जो हालत होगी, वह तो होगी ही, लेकिन इस से प्रबल प्रतिपक्ष नहीं बन सकता, इससे आप स्वयं सोचने और अपने ढंग से काम करने की सलाहियत खोते जा रहे हैं और जनतन्त्र के लिये विरोधी-दल का सफल न होना दुर्भाग्य की बात है। मैं आप से अपील करना चाहता हूँ—आप अपने दिमाग से काम कीजिये। जैसे एक नेता को ट्रिब्यूट्स पे किये जाते हैं, वैसे एक पत्रकार को एक-से-बढ़कर एक ट्रिब्यूट्स पे करते चले गये। ठीक है आप का भाषण उसके अखबार में ज्यादा छपेगा, मेरा कम छपेगा, इससे ज्यादा इस देश में कुछ नहीं हो सकता।

THE MINISTER FOR PETROLEUM, CHEMICALS AND FERTILISERS (SHRI P. SHIVSHANKAR):

I am really at a very great handicap to speak at this late hour when the patience of the Hon. Members is exasperated.

I shall try to meet the salient points that have been raised by some of the Hon. Members though I cannot conceal the fact that many of the Hon. Members have only expressed themselves more in an emotional tone rather than on the objective approach of the matter.

There is an element of intrigue in this debate and also a misfortune in the controversy that has been raised. I say this because the entire controversy and the debate, proceeds on the basis of the hindsight.

Assuming for a moment that after the deal was completed, the prices of petroleum products were to consistently rise and it would have benefited the Government. then, I am sure, nobody would have been interested in this type of debate at all, nor in the controversy.

That is why I call it, that there is an intrigue, in the entire situation.

What should be viewed and what should be the correct approach in a matter like this is, the prevailing circumstances on the date when the decision was taken.

Are we to accuse somebody, of a suspected corruption, having regard to the fact that the situation changed after the deal so as one could come to the conclusion that there has been a notional loss ?

This, in my submission, is an entirely wrong approach, an approach that would be destructive of the formulation of decisions by the Government at the highest level at any point of time.

Assuming, for a moment, if I were to quote, because quite a lot has been read from the Committee of

[Shri P. Shiv Shankar]

Public Undertakings Report, may I just invite attention to paragraph 93 in this report ?

A portion of it I will read. I quote :

“The contracts for crude purchases provide for price escalation during the term of the contract. Normally, any price increase can be only prospective but the Committee has found that in the case of certain purchases from PETROMIN of Saudi Arabia, retrospective price revisions were made in 1979 which resulted in additional payments of US \$ 15.8 millions.”

The Committee proceeds further :

“The precise legal position did not appear to have been examined. Even if the payment was inevitable, the Committee feel that the prior approval of the Empowered Committee or at least of the Board of the IOC should have been obtained before the payment was made. The Committee hope that, in future, this precaution will be taken.”

Why I have read this part is because in 1979, according to this Report, a decision was taken to pay the amounts retrospectively which resulted, according to the COPU's Report, in a national loss of 15.8 million dollars. Have I to jump to the conclusion at this stage that this is a case of a clear suspected corruption ? Is it not proper that one will have to go into details for it. That is where I am submitting that there is an element of intrigue in the whole affair. If there had been a profit, you would perhaps have been very happy, everybody would have been happy. But that is not the correct approach at all. The correct approach is, the circumstances prevail-

ing on the day when the decision was taken, and if that is correct, in my submission, this misplacement of the file, where it had gone, is wholly irrelevant for the arguments. You have got to go to the crux of the matter. The crux of the matter is whether there were circumstances which enabled the then Minister to take the decision and whether it could be said that there were relevant factors for him to come to the conclusion which he had arrived at. That is the proper approach. A lot has been said about the file, to which I will come slightly later. I have, in my statement, deliberately devoted practically four pages on the relevance of the decision that was arrived at on that occasion. None of the Hon. Members on the other side has been able to refute any of the facts that have been incorporated herein except one Hon. Member who thought that the news in the *Financial Express* and the *Economic Times* was planted by us. I do not know: at some point of time they give a tremendous compliment to the paper-walas and at other....

PROF. MADHU DANDAVATE: ‘Paper-walas’ means those who sell the paper.

SHRI P. SHIV SHANKAR : If you understand so in the context in which I am speaking, I leave it to your judgement; if that is your wisdom, I cannot help it.

PROF. MADHU DANDAVATE: I am sorry it is an error of judgement

SHRI P. SHIV SHANKAR : The point is that, since it suits them for the purpose of the case, they can go to the extent of saying that this news was planted. Except this part of the statement that has been made departing from what I have explained in the first four pages where I have given the details of the deal, it has

not been brought to the notice of the House as to how they refute the various circumstances that I have referred....

SHRI K. P. UNNIKRISHNAN :
On tender form itself.

SHRI P. SHIV SHANKAR : I would not like to go into the same aspects again. In fact, I will say something about the tender aspect. You need not worry about it.

SHRI K.P. UNNIKRISHNAN : I am not worried.

SHRI P. SHIV SHANKAR :
Your worry seems to be more. That is why I thought I should explain. What has happened is.....

SHRI RAM JETHMALANI
(Bombay North West): How do you, as a lawyer, dismiss subsequent conduct as irrelevant?

SHRI P. SHIV SHANKAR :
Subsequent conduct also, I am coming to.

SHRI RAM JETHMALANI :
Section 8 of the Evidence Act.

SHRI P. SHIV SHANKAR :
That part of it which you have referred to, I am very much aware. I will explain to you. You should have a little patience. I said, the first four pages. The one that you have referred to comes at a later stage.

Now the point is I have explained this because it is not proper nor is it feasible for me to repeat the various details that I have already brought forth in the statement where briefly submitting I have explained the background which was prevailing in 1979, the tight oil market position and then the urgency on our part because of the Assam agitation and

notwithstanding the fact that the previous Government had decided and finalised that 1.3 million metric tonnes of HSD was to be imported, on an appraisal of the situation it had to be decided at the earliest that a further 1.45 million tonnes of HSD was to be imported. This urgency was necessarily taken cognisance of. I have also given details as to the world market conditions and the future trends that were attributed to the expertise, experts who have technical knowledge about oil sales and purchases. I have also referred to the actions of some of the Governments like the Saudi Arabian Government who are one of the major producers of oil and their decision to cut back the production. This is the background which I have explained and I would not like to go into the details again except referring to one expert authority, namely, the Petroleum Economics Ltd. who had said—only one sentence I will read. After giving the details about the petroleum products prices at the relevant time, they say and this is their conclusion :

“By mid February there was some evidence that the fall in spot prices was ending.”

This is their finding, after dealing with the petroleum product prices. They say that the fall has practically come to a stop. This is the background. And then what happened? In this background of the country and the international situation, my predecessor to take a decision.

Now, one aspect which I would like to slightly dilate on is that many a colleague have said, “Look, there was some official advice. That official advice was the expert advice. Why is it that the Minister has practically side-tracked that advice?” This argument cuts across at the very root of the democratic fabric.

[Shri P. Shiv Shankar]

In any parliamentary democracy one has to view this issue from a different angle altogether, namely, the question that rises in the mind on the basis of the argument would be whether the Minister would merely be a rubber stamp; what exactly is the role of a civil servant, whether the public and the parliamentary control of the governmental working should be totally honest. These are the larger issues and further, what ultimately happens to the concept that has been adumbrated in Art 75 of the Constitution where it has been said that the Ministers for their action collectively are responsible to the House of the People? In the ultimate analysis, as I understand simply, why the public representatives have been allowed to take the decision in a democracy is because there should be a public control in the administration. Now, in this background, one has to come to this conclusion that having regard to the advice, whatever it might have been, of the officials there was a reasonable basis for the Minister to take a decision in the manner in which he has taken.

That is the crux which has to be understood in this case. As I said, apart from the international situation and the circumstances in which we were placed, and the urgency that was called for, for the purpose of completing the imports at the earliest date, my predecessor has further gone into the whole question. He thought that the prices had reached the rockbottom and, according to the international reports that were coming, based in the different materials that I have already cited in my statement, he felt that here was a case where the long-term price contract would be advantageous to us. It is not as though this is happening for the first time. In fact one of the Hon. Members has read from the COPU report that even previously this type of decisions

were also taken. This could be supported on the basis of not only the international situation but further on the other basis also which the Minister did. I would not like to go again into the details. I should submit that so far as the officers are concerned, they have definitely advised that the only way to deal with the matter is to go ahead on the question of escalation and de-escalation clauses. This is the safest course. The safest course, in the world, is to take an approach of *status quo*. One has got to be a *status quoist* to please. This will be the safest way of dealing with the things. It is only for a difficult man, it is only for a courageous man, to take difficult decisions. In taking the decisions, it is possible that there could be an error of judgment unless you definitely come to the conclusion that it is a case of corruption. It is rather unfortunate that one of my friends on the other side—he is an eminent lawyer and I do consider him to be an eminent lawyer on the criminal side—has tried to say that there are strong circumstances but, ultimately, he come to the conclusion that it is a case of corruption. I really pity his judgement and his knowledge of the criminal Law. It is rather unfortunate. It appears as though we are rendering a judgement on the whole case. What I am trying to submit is that here is a case, having regard to the facts, a particular approach has been taken by the Minister which he is competent to take. As I said, day in and day out, from that side, they have been saying the in Question Hour 'Look, you are the pawns in the hands of the civil servants'. This is what they go on saying. When a decision had been taken, I would like them to consider that decision objectively. I do not want them to be so subjective as to become emotional and try to politicalise the issue in an emotional atmosphere. That is the only thing that you people have been doing. That is the contro-

versy which has been raised all these days.

SHRI RAM JETHMALANI : You said that this is a case of error of judgment.

SHRI P. SHIV SHANKAR : I did not say that. I have not said it. I am sorry if you have not been able to understand it and read the whole thing properly again. I did not say that this is a case of an error of judgment. What I said was that it is possible to question commercial judgment of this kind on hind sight. Then I proceeded that there could be a possibility of an error of judgment. To-day from the COPU Report much has been read by more than one friend of mine. In the last sentence, it has been said that 'The Committee fail to understand....' A little earlier they said :

This is the main sentence which has been read :

"It is clear that the subsequent events proved that it was not prudent to have gone in for purchase...."

Therefore, the whole thing is judged on the basis of the subsequent events. Why don't you go to the position when he was taking the decision—and as I said it requires courage? It is only a courageous man who could have taken a courageous decision. He could have followed the easy course, namely, the officials and put his rubber stamp. (*Interruptions*)

The point I was trying to say is that so far as the officials are concerned even the officials are also not clear in this case—I must submit one aspect which is very relevant and have put forth both sides of the case. They had also realised. They have gone to the extent of telling the

Minister that, look, the fixed price long-term contract and the performance guarantee that you are visualising; because the oil market is the market of the sellers, therefore, nobody would be prepared to accept the fixed price long-term contract as also the performance guarantee. This is how they have gone to say. Their specific assertion is that this is the sellers' market and that is why Mr. Sethi thought that; look the base price that you have offered I will not allow you to change and give further tenders. He would like that already the offers which have been made on the base price that should be treated as the firm fixed price because he was sure, if they were to be called upon to offer on the fixed price basis then they would have certainly offered the tenders at a much higher rate. In order to get over this situation he decided, I will not allow you to give the fresh tenders. Therefore, this is a question of judgement. The officials have notwithstanding this put the case on both the sides. They thought the safer course would be—that is how they put it—and the safer course always is: Look here is a contract. I agree for this agreement on the escalation and de-escalation clause because that is the safest approach. Nobody can accuse that person of the wrong or right judgement at all. But in a case of this nature definitely there is a risk involved and in all forward contracts that are entered into by any authorities there is an element of risk. It is a question of perception one has to take. It is a question of judgement. It is in such circumstances that he has gone to decide this case. In fact, there are two or three aspects which will make the position absolutely clear. We had in the same period of contract—which I had explained—to enter into the contract for the import of 5.2 lakh tonnes at a higher price as compared to the price that we had to pay to Kuo Oil. This was based on the escalation and de-escalation clause

[Shri P. Shiv Shankar]

and was based on the tenders. That apart, I have also stated about the decision on the 6th February regarding the Kuwaiti Oil Company; and the Minister knew at that time when he was taking a decision on the 22nd when we entered into the contract with the Kuwaiti Oil Company and compared to the Kuo deal, we were saving 3.5 million dollars. These are the various perceptions which have to be taken into consideration. The fact remains that during the tenure of the contract the prices in the international market had risen which were more than the prices that were offered to KUO Oil Company also. Because, sometime in April and May, if I correctly recall, prices had gone up beyond \$ 353.50. My friend quoted the Singapore price; he only quoted the FOB price; if he were to take into consideration the CIF price, he has to add roughly 18 to 19 dollars per tonne. That makes all the difference. In fact this contract was CIF contract. These are the perceptions which are taken into consideration. My predecessor came to the conclusion having regard to these circumstances, that it was a proper case where fixed price and long-term contract should be entered into.

PROF. MADHU DANDAVATE: Please excuse me for my intervention. You say that these are FOB prices. Even then if you make these marginal additions even upto the extent of 18 dollars, you will find that they will be added on to all the price and therefore the general trend would remain practically the same.

SHRI P. SHIV SHANKAR: My point is only this: Up to 22nd February, so far as Singapore spot price is concerned, I am not denying what you say. I am only trying to say that you have quoted only FOB prices; cartage has to be added to it. Now, on the question of a fall, one had to be guided by the circumstances, not merely because upto that day which you have

read there has been a fall in Singapore market. Because there is the Mediterranean market, the Gulf market the Rotterdam market and so on. Now, Parties have been tendering, connecting themselves to different formulae. The only point that I thought of making is a part from these Oilgram details, there is an Internationally accepted authority namely the Petroleum Economics Limited. They say: "Look, here is the stock. The price will rise" Likewise, as I said, Saudi Arabia said, we will cut back our production. These are the perceptions. In the background of these perceptions a judgment had to be taken. If this judgment had to be straightway concluded by saying: 'This is a case of corruption', well, I don't think this will be a rational approach. It will be a wholly irrational approach. After all, a judgment of this kind is bound to be risky.

SHRI RAM JETHMALANI: He has challenged my knowledge of criminal law and I wish to tell him this: Sanction this man's prosecution; and if I don't get him convicted on this evidence I will give up politics as well as Parliament and the profession. I tell you—I will give up Politics as well as the Parliament and the profession,—if I don't get him convicted.

AN HON. MEMBER: We don't rely on you.

SHRI H. K. L. BHAGAT: I would advise Mr. Shiv Shankar not to provoke him because he can get even innocent men convicted:

(Interruptions)

SHRI P. SHIV SHANKAR: I am sorry: that will not be the right way.

SHRI H. K. L. BHAGAT: But, please don't provoke him.

(Interruptions)

AN HON. MEMBER : One intelligent intervention.

SHRI P. SHIV SHANKAR : A bravado-type of intervention that was made by my Hon. friend. But I would not like to go into it.

SHRI RAM JETHMALANI : Don't challenge my knowledge of criminal law; that is why I am provoked.

SHRI P. SHIV SHANKAR : That is why I have challenged you. You said, it was straight corruption; that is why I challenged it.

MR. SPEAKER : I am very sure that he also knows the law.

SHRI P. SHIV SHANKAR : One aspect I have already said. I would only make a passing reference to this on which I would not like to concentrate.

I made a reference this morning and some of the Hon. Members were a little agitated. I did not attack anyone in that statement. What I had said was and I quite :

“Needless to say that in retrospect errors of judgement of this nature could not be ruled out even during the regime between 1977-79.”

I specifically pointed out to them because they were on this side at that moment. I don't deny as some were trying to say “you should have said from 1947”. I don't deny that. If you go into the details, one would perhaps come to that conclusion. But I wanted to remind them of their own role. This is what I wanted. One aspect which I would like to point out is the role....

AN HON. MEMBER : What role?

SHRI P. SHIV SHANKAR : The role that you had played between

1977-79. I would like to make the position clear on this type of matters. This is a matter which has got to be gone into a little seriously. Even though when I can claim that I have quite a large material, even of the past Government, on hind sight if you like to go into those questions, it is possible that in many a cases you can find out that there had been notional loss, as some people are trying to calculate in this case. But my own fear is that if this type of thing is highlighted on mere suspicion, then perhaps the entire administrative machinery will get demoralised. It would be difficult tomorrow if anyone has to expose all such things on mere suspicion, and because of our inbuilt prejudices and pre-determined approaches that we take. The governmental apparatus would totally become ineffective. That is why I thought that notwithstanding the fact that there could be material on many a matters, one should not get into these details at all and in this case why I have cared to explain these things was because the matter has come to light. Then, as I said my request would be looking into the time when this decision was taken, if there were reasonable hypothesis for the purpose of taking the decision, then the matter should be left there and further I do not rule out that there should be an enquiry. In fact, COPU has been asked, COPU has itself suggested that the matter is to be gone into. In fact, this whole debate is wholly premature. The conclusion that we are drawing today on corruption will only prejudice the proceedings before the COPU. That is the position that I thought I should make clear.

Then the aspect of the file....

SHRI RAM JETHMALANI : Have you got any single file disappearing during the Janata Government regime? If you have, please tell us because we will admit the corruption

[Shri Ram Jethmalani]

there, if it is a case of corruption on our part. (*Interruptions*)

SHRI P. SHIV SHANKAR : Accompanied by file, that hedge he has put. Otherwise, I can satisfy him privately in at least half a dozen cases.

SHRI RAM JETHMALANI : I will accept that private offer. I will go to him and I will not talk one word now.

SHRI P. SHIV SHANKAR : On the question of file, as I said, the whole perspective should be on the basis of the deal itself. If the deal were to entail the national profits, what is the relevance of the file not being available or available at all. It pales into insignificance and I put further questions unto myself. What is the suspicion that is drawn by the file being withheld? I will pose this question to myself.

SHRI RAM JETHMALANI : You pose it to us and we will answer it.

SHRI P. SHIV SHANKAR : I know what you will answer, because you have not an open mind; your mind is closed.

The question I am asking is : How does it benefit anyone? The facts in this case are, before this whole case came out, in April 1982, the file came to be available. What are the deductions that you would like to draw by this conduct? Whatever arguments they have advanced, assuming for a moment that I am one with them, what is the deduction that they would like to draw? I agree for a while with their assumed arguments that the file was made scarce. In April 1982 it was made available. If the intention is that it should not be scrutinised by COPU, then it should not have been produced even in April, 1982. It would be available to the next COPU which is going into this question. Why make mountain of a mole hill? I am asking this question

because what has been tried to be achieved is to throw the dust and see how much it affects the other person. I would like to ask, "What is the relevance in the conduct in the affairs when the file was not made available." According to them, the file was deliberately kept back. Fair enough. But it has also been brought before COPU. COPU was informed....

SHRI SATYASADHAN CHAKRABORTY : Under compelling circumstances.

SHRI P. SHIV SHANKAR : What were the compelling circumstances at that time? The compelling circumstances were not extraneous; they were from within. We were trying to find out, and the extraneous circumstances started only from July when some article appeared in the newspapers. But this is in April. What deductions would you like to draw out of it? What are the arguments? I cannot follow except that you would like to make a political gimmick. There is nothing beyond that.....(*Interruptions*). I am not able to see any logical conclusion, or any logical perception in the file not being available all these days.

One of the questions that have been very rightly raised on the other side is: "It is an important issue and on this issue my predecessor is seeking the advice of the Prime Minister. How is it that he slept over this for one year." It is a matter which I have necessarily to answer. In answering this question, perhaps I will have to go into some of the notings, themselves, but I would prefer to speak before this House from my memory. What actually happened was that at the time when the deal was completed, the Finance Ministry wanted to know the perceptions of the Petroleum Ministry for coming to this conclusion.

PROF. MADHU DANDAVATE :
Right from the inception.

SHRI P. SHIV SHANKAR : I am myself saying it. At that time this is what has been incorporated by my predecessor, Shri Veerendra Patil in his note itself. He further said : "I wanted to seek the guidance from the Finance Minister on this matter, but since the Finance Minister is away on tour abroad, I refer this matter to the Prime Minister." And it so transpired that immediately after two or three days, the Finance Minister returned and he had his discussions with him, and the Finance Minister seems to have taken the view : "Take the safest course by imposing the escalation and the de-escalation clause; even if it is a long-term contract, do not go for a fixed price. This is the safest course." As I said, this could be a *status quo* approach. Having regard to this it is possible that the then Petroleum Minister did not bother for the file at all, because he got what he wanted.

As a result of this, it so happened that all the subsequent contracts that have been entered into, have been entered into based on the escalation and de-escalation clauses.

SHRI SATYASADHAN CHAKRABORTY : Why no decision afterwards? You are advocating that there should be courageous decision and it was not changed. Mr. Shiv Shankar, you are a lawyer; I am not a lawyer; but there must be some logic. You say courageous decision he took. Nobody challenged the decision from the Opposition. It did not come to the PUC, why then the decision was not changed?

SHRI P. SHIV SHANKAR : The point is, I said that the then Minister sought the views of the Finance Minister. The Finance Minister advised him in that fashion. He thought that, that is the advice which he should follow. This is a matter of judgment of a particular person.

SHRI SATYASADHAN CHAKRABORTY : He is a status-quoist Finance Minister.

MR. SPEAKER : What is this?

SHRI SATYASADHAN CHAKRABORTY : Sorry, Sir.

MR. SPEAKER : This does not behove well.

SHRI P. SHIV SHANKAR : This is the aspect which I necessarily thought that I should explain.

Sir, I must say even my officials who have given the statement before the COPU had been very fair and frank. Some of the articles that have appeared have also found fault with their statements. It is rather unfortunate. Though they were not there at the time when the deal had taken place, they placed the entire material that was available with them and they tried to explain it. It is very difficult to understand when matters do not have a relevance, a case is to be built thereupon.

I thought that this part of it has to be explained because more than one Speaker and the seasoned Members were trying to say that this gap, this lacuna has not been explained in the Statement. Sir, the Statement only dealt with the main portion of the deal and the file, because I thought that these aspects had to be explained because of the public controversy. The other aspects I did not think should be incorporated in the Statement itself. That is why I thought that this part of it should be explained.

One of the Hon. Members was trying to say that in the tender instructions were given in a different way as compared to the Statement that I have made viz. that it did not specify whether quotation should be on fixed price basis or on a variable price basis.

[Shri P. Shiv Shankar]

After the Statement was made by the Hon. Member, I made the inquiries and I find that my statement does not require revision in any form whatsoever. I adhere to what I have already said having regard to the answers that I got on the basis of inquiries.

Some of the Hon. Members asked that the Audit people were asking for the file in December. They did ask. There is no contradiction or variation in the statement made by me and what is sought to be urged by the other side. The Audit people did ask about the file from my Ministry. My Ministry started making the inquiries with the Private Secretary to Mr. Veerendra Patil, who at that time had handled the file. This took the matter to early 1981 and that is what I have stated. It is right that upto that time no inquiries were made and the inquiries were only made from that period.

I don't think that I should go too much into the details, but one aspect on the question of the file, which I must explain, is about my conduct raised by the Hon. Members on the other side. About my conduct which has been raised by two members of the other side, on the 27th April, 1982, Shri N. E. Horo tabled a Starred Question No. 891 seeking to know whether it was a fact—I quote—"that arrangements have been made for exchange of mineral oil obtained from Bombay High with kerosene and diesel." This was the question that was put to me. It had nothing to do with Kuo Oil Deal or anything of that type; this question was put and the answer that I gave was "Yes, Sir, so far three such arrangements have been made." During the supplementary, Mr. Rakesh wanted to know whether it was a fact that IOC had suggested that HSD should be purchased by negotiating only with the

governments of the Gulf countries, that against the advice of the IOC a delegation had been sent to Singapore to purchase 15 lakh tonnes of HSD and 10 lakh tonnes of kerosine within a day or two; and that on receiving complaints in this regard, the file was sent to the Prime Minister to be rectified. How is this connected with the Kuo Oil Deal? I have repeated his question and in answer to that I said that the information which the Hon. member had was either imaginary or not based on facts; and further I explained, this has absolutely nothing to do with the Kuo Oil Deal. Of course, I am facing a privilege motion on that. You will deal with it separately. I do not like to say further.

PROF. MADHU DANDAVATE :
I had given the notice.

SHRI P. SHIV SHANKAR : To compliment you, you are the past-master in serving the privilege motions.

MR. SPEAKER : Ever ready !

SHRI P. SHIV SHANKAR : I don't think I should take more time of the House.

PROF. RUP CHAND PAL (Hooghly) : You have not said anything about the credentials of the Hong Kong based oil company and its Indian agent.

SHRI P. SHIV SHANKAR : So far as Indian agent of the foreign firms are concerned, they have totally stopped it because this was a deal earlier in 1980; and at that time, the foreign parties were nominating the Indian agent; and I may submit that something was said about the Kuo Oil Company. This is one of the short-listed companies, that is with the IOC in 1978-79.

SHRI K.P. UNNIKRISHNAN : He was talking about Hindustan Monark, not Kuo Oil.

SHRI P. SHIV SHANKAR : There was an allegation that this is only a sign board company. That is why I am explaining that. I know who has raised it. One of the Hon. members did raise this question and I thought I should explain. The IOC, on the basis of performance, going into the background of the companies and their reputation, short-lists a company. There were such 41 short-listed companies who were referred to for the purpose of offering the tenders. The Kuo Oil Company is one such company. Therefore, to say that it is only a sign board company does not appear to be correct.

AN HON. MEMBER : Every company must have a sign board.

SHRI P. SHIV SHANKAR : No he has referred to Kuo Oil. Let Mr. Vajpayee say that he did not refer to it. Every foreign company has been appointing the local agents. At the time when they gave the tender, they offered the tender even at that time, they mentioned that our agents would be so and so ; they have got to mention it to the IOC at the very initial stage itself ; they mentioned it.

That is how this company comes into the picture; and that is why this company was dealt with at the time when the letter was issued. I do not think that I should go into the small details. I would have certainly gone into it, but I have practically taken more than one hour. The Members have given me a patient hearing. I thank them.

21.34 hrs.

CONTEMPT OF THE HOUSE

MR. SPEAKER : As the House is aware, at about 18.20 hours today, a visitor calling himself, Gurdayal Singh son of Shri Nadhan Singh threw some papers from the Speaker's

Gallery on the floor of the House. The Watch and Ward Officer took him into custody immediately and interrogated him. The visitor has made a statement and has expressed regret for his action.

I bring this to the notice of the House for such action as it may deem fit.

AN HON. MEMBER : How did he come into the Speaker's Gallery, Sir?

MR. SPEAKER : Through a friend of mine, Shri Sunder Singh.

SHRI ATAL BIHARI VAJPAYEE (New Delhi) : I have been in Parliament for the last 25 years. This has never happend.

PROF. MADHU DANDAVATE (Rajapur) : Today they are in your Gallery; tomorrow they may be in your house.

MR. SPEAKER : The 'House' is also yours.

AN. HON. MEMBER : His house means this House.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH) : I beg to move :

"This House resolves that the person calling himself Gurdayal Singh son of Shri Nadhan Singh who threw some papers at about 18.20 hours today from the Speaker's Gallery and whom the Watch and Ward Officer took into custody immediately, has committed a grave offence and is guilty of the contempt of this House.

This House further resolves that he be let off with a stern warning on the rising of the House today."