

Corruption as human rights violation

C. Raj Kumar

ON MAY 9-10, 2006, the National Human Rights Commission organised a conference on "Effects of Corruption on Good Governance and Human Rights" in New Delhi. This was the first time the NHRC examined the issue of corruption from a human rights standpoint. The gravity of human rights violations resulting from corrupt practices is no less than that of custodial violence or any other form of violation of civil, political, economic, social, and cultural rights. The most fundamental question the conference posed that needs to be addressed is: how can the NHRC operationalise the right to corruption-free governance with a view to protecting and promoting human rights in general?

Human rights have traditionally been understood to be rights relating to life, liberty, equality, and dignity. In the Indian context, Section 2(d) of the Protection of Human Rights Act, 1993, has defined "human rights" to mean, "the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India." The preamble to The Right to Information Act, 2005, notes the specific issue of corruption: "...And whereas democracy requires an informed citizen and transparency of information which are vital to its functioning and also to contain corruption and to hold Governments and their instrumentalities accountable to the governed..." Further, human rights in India have also been given a strong constitutional foundation and have developed through innovative judicial interventions over more than five decades.

The good governance agenda includes protection and promotion of human rights and rule of law. Both these functions will not be fully accomplished if corruption is rampant in government. It is important that institutions like the NHRC provide a framework to take up cases of corrupt acts of individuals and institutions that

The National Human Rights Commission should revamp its mandate in the light of massive institutionalised corruption that has left no institution in India untouched.

result in human rights violations. The NHRC should attempt to understand the implications of corruption for human rights not only from a theoretical perspective but also from a practical standpoint. It is useful to examine how many of the various cases that come before the NHRC are due to some act of bribery or other forms of corruption. Further, the NHRC's research division may consider supporting studies on both the human rights consequences of corruption and how far the human rights discourse can help in ensuring corruption-free governance.

One of the important developments due to the institutionalisation of human rights in India — through the setting up of the NHRC and State Human Rights Commissions — is that they have come to occupy a certain democratic space within the domestic political discourse. However, the existence of democratic institutions does not necessarily mean human rights violations do not occur or that their incidence is reduced. What it means is that there are institutional mechanisms available for victims to seek justice. The effectiveness of these institutions in India is still a matter of opinion but, by and large, the NHRC has come to acquire a certain reputation because of its impartiality and independence. Of course, its powers are limited and its opinions on human rights issues are recommendations, though they carry a lot of legitimacy and persuasiveness because of the composition of the Commission.

The law enforcement agencies that are engaged in the task of anti-corruption work (such as the Central Vigilance Commission, the Central Bureau of Investigation, the Enforcement Directorate, etc.) would be truly empowered if

institutions like the NHRC take cognisance of cases relating to corruption when it involves a human rights issue. This will bring the corruption problem to the centre of the governance discourse in India as it will be a human rights violation and the consequences of such actions will be significant. The recognition of corruption as a human rights issue does not warrant any amendment to the Protection of Human Rights Act, 1993. The definition of "human rights" given in Section 2 and the functions of the NHRC given in Section 12 are wide enough to include corruption as a violation of human rights.

Rights-based approach

In this regard, it is encouraging to note that the NHRC has been developing rights-based approaches to development in the area of population stabilisation and combating HIV. The NHRC can also engage with the leading anti-corruption agencies, which are most of the time on the "other side" when it comes to its work relating to human rights. However, this institutional engagement must be a facet of good governance. For, if the NHRC has to take a proactive role in promoting good governance policies, it has to understand the problem of corruption from a criminal law enforcement perspective as well.

Having recognised that corruption affects human rights and the rule of law, it is important for the NHRC to develop the right to corruption-free governance through a number of rights-based strategies in India. Rights-based approaches to governance are those strategies that rest on the conceptual foundation that social

and economic goals do not remain policy objectives, but get transformed into rights that are vested with the citizenry — increasing incentives for public vigilance. In this conception there are "right-bearers" and "duty-holders." The people will have rights relating to various social and economic goals that were hitherto described as policy objectives. The representatives of the government are vested with the duty of ensuring the protection and promotion of the particular right.

A conceptual basis is essential for the NHRC to formulate various effective anti-corruption measures. Its role in protecting human rights by evolving rights-based approaches to development will help in eliminating corruption and promoting integrity and good governance in the following specific ways:

a) Corruption-free constitutional governance. The recognition of the right to corruption-free governance by the NHRC has the potential to bring the problem of corruption to the centre of the political discourse. This will ensure that the state and all its instrumentalities act in accordance with the Constitution and do not engage in any form of corrupt actions that will violate the fundamental rights of the Indian citizenry. This would require governance to be based upon the underlying ideals, goals, objectives, aspirations, and values of the Constitution. Unfortunately, corruption has undermined all these constitutional values. All individuals and institutions within the government would be expected to take the necessary steps to fulfil this fundamental right.

b) Empowering the judiciary and other institutions. The recognition of the right to corruption-free governance will quickly empower the judiciary to bring forward the integration of the anti-corruption discourse and the human rights discourse. Both these discourses are about increasing the legitimacy of the state and ensuring accountability of the administration. The judiciary is best suited to continue this role as it has attempted in the past to create greater transparency and infuse institutional autonomy and independence in investigative agencies engaged in anti-corruption work. With the development of such a human right by the NHRC, the judiciary is in a far better position to develop jurisprudence relating to good governance.

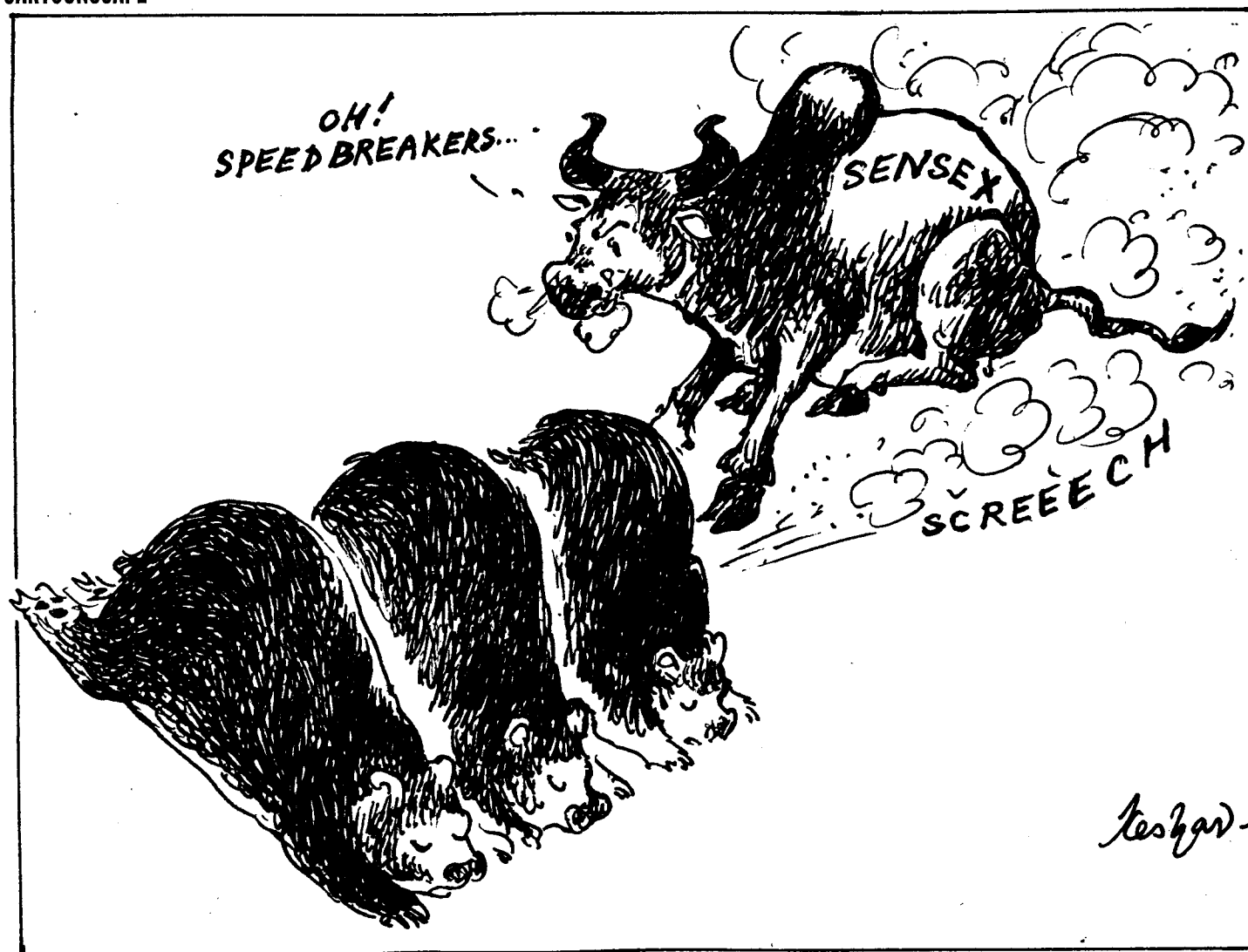
c) Galvanising social consciousness. The development of the human right to corruption-free governance will help in galvanising social consciousness on issues relating to bribery and other forms of corruption. It is necessary for the NHRC to garner the support of the citizens, as it is their apathy and indifference to abuse of power that has resulted in corruption becoming institutionalised in India. Political morality cannot be brought about without the development of individual morality. The particular right can help in creating greater support for corruption-free governance and also result in the citizens valuing integrity and rectitude as important criteria for electing their representatives. At the same time citizens will feel a greater sense of urgency in reporting on corrupt activity.

d) Revamping the mandate of the NHRC. There is a need for the NHRC to revamp its mandate in the light of massive institutionalised corruption that has not left any institution in India untouched. The fact of the matter is that all human rights are violated due to corruption. The Protection of Human Rights Act, 1993, in the first para notes that it is "An Act to provide for the constitution of a National Human Rights Commission ... for better protection of Human Rights and for matters connected therewith or incidental thereto."

The NHRC must ensure that its investigations make due note that corruption is the root cause of potential violations of human rights. In this regard, the NHRC may have to work in cooperation with anti-corruption agencies like the Central Vigilance Commission. The purpose of the NHRC's new initiatives should be to ensure protection of human rights and promotion of corruption-free administration as a *sine qua non* for good governance.

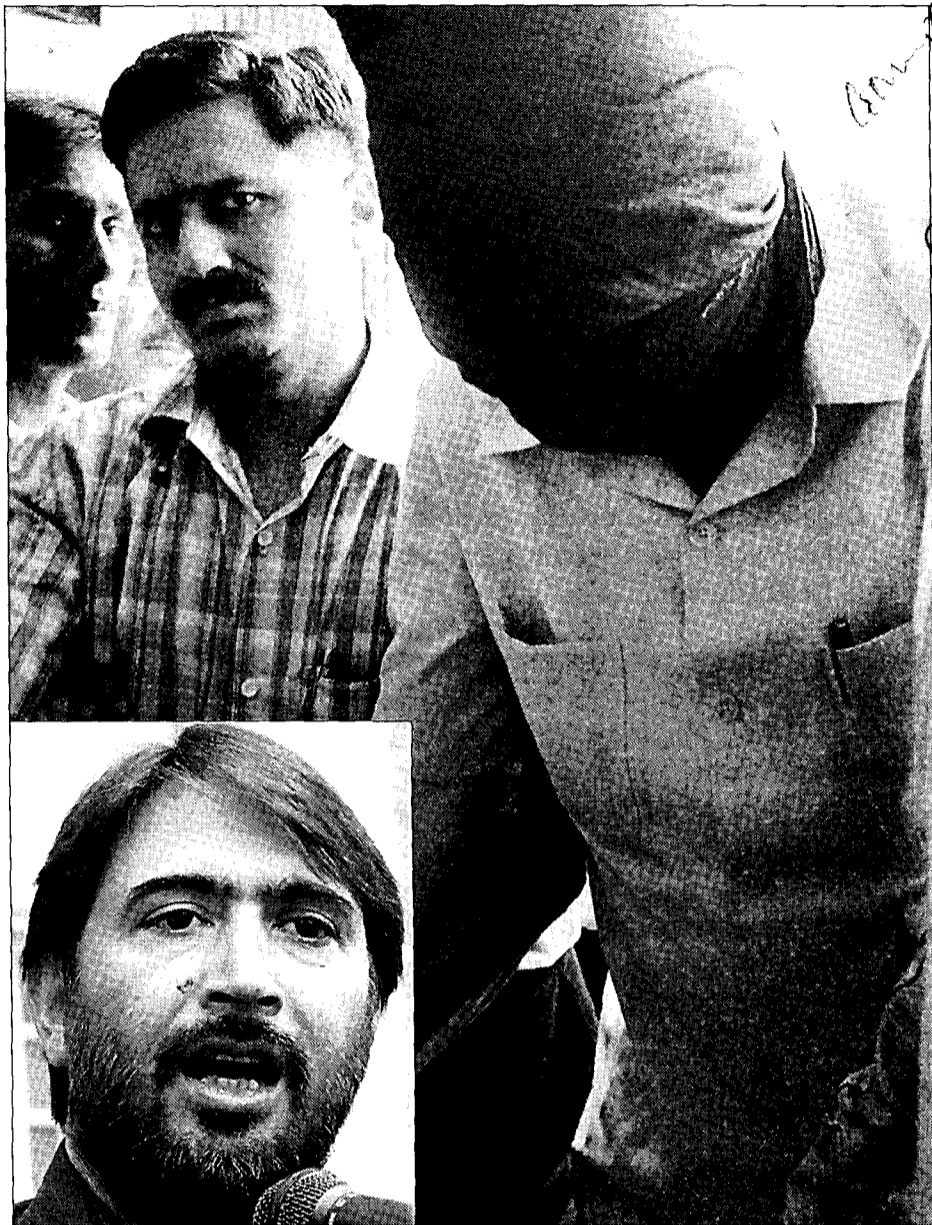
(The writer is with the School of Law, City University of Hong Kong.)

CARTOONSCAPE



Sex scandal cuffs on ex-ministers

Mir seeks morning walk cover on arrest



Former Jammu and Kashmir minister Ghulam Ahmed Mir (close-up in inset) being produced at the Patiala House courts. (PTI)

OUR BUREAU

Delhi/Srinagar, June 20: "I am going for a morning walk," Ghulam Ahmed Mir told the staff at Jammu and Kashmir House as he was led away by CBI officials after his arrest in the sex scandal that has rocked the Valley.

The Congress MLA and former minister had requested the CBI to escort him out without making it evident that he had been arrested, sources said.

Mir, 50, who was minister for tourism and roads and bridges in the government headed by Mufti Mohammed Sayeed, had arrived in Delhi last night and checked into the Chanakyapuri guesthouse.

Another former minister and Independent MLA, Raman Mattoo, was arrested from his upscale Gupkar residence in Srinagar early this morning, and taken to the CBI's makeshift office at Humhama on the city's outskirts.

They are the first politicians to be arrested in the sex racket, which involves the alleged abuse of minors by politicians and senior officials.

Sources here said the two former ministers were not cooperating with the investigation into the scandal that is being monitored by the state high court. They have been ar-



Mattoo. File picture

rested under Section 5 of the Immoral Trafficking (Prevention) Act and charged with hiring prostitutes.

"We thought all along that he had gone for a morning walk as he informed us so at the reception. His tone did not show any nervousness," a guesthouse employee said of Mir, who was named polling agent for Sonia Gandhi in Rae Bareilly but dropped after his name was linked to the racket.

The former minister was taken straight to the CBI's special crime branch a few kilometres away and then to the court of additional chief met-

ropolitan magistrate Kamini Lau, where the bureau sought and obtained transit remand to take him to Srinagar.

The judge said she was shocked to hear that minors had been used as prostitutes. "That amounts to rape, I hope the defence is aware," she said.

Another accused in the sex racket, former additional advocate-general Anil Sethi, has been declared a proclaimed offender. He has been evading arrest after his bail application was rejected by the Supreme Court.

The CBI has so far questioned over two dozen persons, including senior police and civil officers. BSF deputy inspector-general K.S. Padhi and eight others, including alleged mastermind Sabeena, have been arrested. The high court had yesterday pulled up the bureau for slow investigations.

Sabeena had mentioned several politicians, including Mir and Mattoo, in her statement to the police.

Mir is believed to have revealed the names of some other politicians. Deputy inspector-general P.K. Singh, who was heading the CBI team, however, refused to confirm this.

"I cannot tell you anything more at this stage," he said.

Sex scam: CBI's Report II

IAS officer, hotel owner arrested

AGENCIES
Srinagar, June 29

THE CBI, monitoring the Jammu and Kashmir sex racket probe, submitted its second status report to the J&K High Court on Thursday, even as CBI sleuths arrested the state's principal secretary (planning), Iqbal Khandey, a 1978 batch IAS officer of J&K cadre, and a hotel owner Riaz Khawa in connection with the case. The two were arrested from Srinagar. Khandey allegedly frequented a brothel run by the kingpin of the racket.

Declining to comment on the contents of the report and saying that all reports submitted to the court were confidential, Assistant Solicitor-General of India and CBI counsel S.A. Naik said,

"We submitted the report according to directions passed by a Division Bench on Friday. On Monday, we submitted a status report regarding the progress of the

investigations". The Bench, comprising Justices Hakim Imtiyaz Hussain and B.A. Kirmani, had directed the CBI to file status reports on Monday and Wednesday and had listed the case for hearing on June 30.

Two former ministers and sitting MLAs, G.A. Mir of the Congress and Independent Raman Mattoo, have been arrested by the CBI in connection with the racket. Twelve people have been arrested so far in connection with the case, and nine of them have been chargesheeted by the CBI in a chief judicial magistrate's court here for allegedly raping a teenager. Those chargesheeted include former state Additional Advocate-General Anil Sethi, BSF deputy inspector-general K.S. Padhi, DSP Mohammad Ashraf Mir and Sabeena, the alleged kingpin of the racket. Sources said the CBI had questioned several persons and got some important clues in connection with the involvement of some more people in the racket. More arrests are likely, they said.

Meanwhile, a court here on Thursday extended the judicial remand of Mehrajuddin Malik, one of the 12 people arrested in connection with the racket, till July 7. Also, BSF DIG Pad-



BEARING THE BURDEN: Kashmiri women at a protest rally

The case so far

- Twelve people arrested; nine of them have been chargesheeted by the CBI
- Those chargesheeted include a former AAG, a DIG of the BSF, a DSP of the state police and Sabeena, alleged kingpin of the sex racket
- More arrests likely soon in the case

hi's family has moved the court to meet the officer at Central Jail.

Also on Thursday, Jammu Bar Association began an indefinite strike to demand the shifting of the sex scam case probe from Srinagar to Jammu to ensure a "a fair trial in a secure environment".

Avoid sticky situations, leaders told

HT Correspondent
Jammu, June 29

UNSURE OF things to come, political parties in Kashmir have asked its top leaders, ministers and legislators to adopt certain dos and don'ts in public life. These essentially centre on keeping a distance from womenfolk, at home as well in public places such as hotels and guest houses.

The surprising aspect is all political groups want a uniform code of conduct for top party functionaries within as well as outside legislature, sources said.

Parties are still not sure who else will figure in the sex scam — the second edition of which, the scandal of 2004, has also come under purview of the CBI probe on directions of high court — even as arrests continue. "These are times of extreme caution. And we should not stumble. That's why I asked my party colleagues to be extra-cautious in their conduct and visibility", a leader told *Hindustan Times*.

The arrest of two former ministers and a possibility of at least seven more legislators and ministers being puled up — if initial reports are to be trusted — have made the parties jittery.

Do's & don'ts

1. Leaders must avoid visiting hotels for unofficial reasons; or they should be discreet
2. Leaders must not meet women at their homes
3. No late night outings at all

Handwritten text at the bottom of the page, possibly a signature or date, including the number 1174.

War room leak: raids conducted

HD-1
29/6
est. 1950
HD-1

CBI searches officers' premises

Special Correspondent

NEW DELHI: The Central Bureau of Investigation (CBI) on Friday conducted nation-wide searches at 19 places in four cities in connection with the probe into the Navy war room leak case.

The agency also searched the premises of businessman Abhishek Verma, accused of trying to procure secret documents of the armed forces.

As many as 15 places in Delhi and its nearby areas, two places in Kolkata and a place each in Vishakhapatnam and Bhubaneswar were raided, a CBI spokesperson said.

The case relates to allegations against certain officers and officials of the Navy, Army and the Defence Ministry, who were reportedly given "illegal gratification" for supplying secret documents.

"Close associate"

Among the 14 officers, whose premises were raided on Friday, seven are serving officers from the Navy, two are serving officers from the Army and three are Under Secretaries posted in the Defence Ministry.

The premises of Mr. Verma and Sushil Bagoria, a chartered accountant, were also raided. Investigators found one of them to be a close associate of the two recipients of classified documents.

The CBI registered a case in connection with the war room leak on March 20 and carried out nationwide searches on April 6. The Navy had dismissed three

• 19 places in four cities searched

• Premises of chartered accountant, businessman also raided

• It is unlikely to reveal anything of importance, says BJP

officials in October last year for the leak of information related to proposed purchases from its war room or Directorate of Naval Operations. One of the prime accused, Ravi Shankaran, a relative of the Naval Chief of Staff, Admiral Arun Prakash, who has evaded arrest so far is believed to be in London. An Interpol Red Corner notice against him was issued. The CBI registered the case on the basis of information from the Defence Ministry that three officers of the Navy and an officer of the Air Force had "acted in collusion with private persons and retired military officers to conspire to unauthorisedly procure classified documents or information relating to the Ministry, the disclosure of which is likely to affect the sovereignty and integrity of the country."

The case was registered under various sections of the Official Secrets Act and Sec. 120-B (criminal conspiracy) of the Indian Penal Code.

The Opposition Bharatiya Janata Party said the CBI raids would not yield anything as most of the evidence was already destroyed.

CESC, WBIDFC ALLEGED BENEFICIARIES

Hudco in shady deals: CVC

Dipankar Chakraborty/ SNS

Letter to Mr Das

NEW DELHI, June 17. ~ The Housing and Urban Development Corporation has been accused by the Central Vigilance Commission of unduly favouring private firms while investing in West Bengal Infrastructure Development Finance Corporation bonds and of violating lending norms in its dealings with Calcutta Electric Supply Corporation.

Following a probe into Hudco's business links with the two West Bengal companies ~ and other enterprises facing complaints about financial irregularities for their allegedly dubious dealings with Hudco ~ in accordance with a Supreme Court order, the CVC, on 27 March, 2006, recommended "further inquiries by the Central Bureau of Investigation" into the investments in the bonds of the WBIDFC, TAPI Irrigation Development Corporation, Himachal Pradesh Infrastructure Development Board and the Vidarbha Irrigation Development Corporation.

Its report alleged that the four "agencies" had paid commissions and brokerage and "arranger fees" to private firms, violating rules. It alleged prima facie evidence suggestive of "undue favours" granted to private firms. The WBIDFC managing director, in a letter (No. MD / Bond / 2005 -

KOLKATA, June 17. ~ The managing director of the WBIDFC, Mr Ashok Kumar Das, said that, having taken over only two months ago, he was unaware of the matters referred to in the Central Vigilance Commission report. He admitted having received a letter "either from the CVC or the CAG" in this regard. "I'm studying it and can't comment right now," he added. A CESC spokesman said that the corporation had not taken any loan from Hudco. "I see no reason why I should comment on a loan we never took," he said. SNS.

2006/1266 dated 2.3.06) informed the CVC that "M/s Allianz Securities Ltd. were paid arranger fees in respect of subscriptions made by Hudco." The commission spoke of a "nexus of Hudco officials, state government agencies and private firms."

The CVC said that Hudco had sanctioned CESC a Rs 300 crore loan under its "take out finance" scheme on 26 March, 2004, in spite of the firm's "ineligibility." The Hudco executive director in its Kolkata office, Mr SC Sharma, alluded to "pitfalls" inherent in the investment allegedly to find himself removed from operational charge on 14 February, 2005.

THE STATESMAN

■ Party Demands Disclosure of Probe Details

Cong next on committee's grill list

Aarthi Ramachandran
NEW DELHI

AFTER having heard from former Union minister Natwar Singh and his son Jagat Singh, Justice RS Pathak Commission will now question the Congress party about its alleged involvement in the oil for food scandal. All India Congress Committee (AICC) treasurer Motilal Vora will appear before the commission on Thursday to present the Congress's case.

The Congress was named as a non-contractual beneficiary of Saddam Hussein's oil coupons, along with Mr Singh, in the Volcker report that exposed the scandal. Mr Vora, who confirmed that he will be appearing before the Pathak commission on Thursday, said he was not aware what questions the panel would pose to him.

However, the party has taken the stand that it has not been a beneficiary of the oil for food programme and has demanded a full disclosure of the documents on which the Volcker report was based. Mr Vora is expected to expand on this argument.

In her first reaction to the Volcker controversy in December last year, Congress president Sonia Gandhi had said she was "very angry and hurt" that the Congress party's name had been "misused". Talking at a leadership summit, Ms Gandhi had also distanced the Congress from Mr Singh, who had been forced to resign as Union external affairs minister.

Ms Gandhi had dubbed the allegations as "very serious" and shocked that someone had made money in the name of the Congress party. She added it was necessary to clear the "Congress's name" at the earliest. In the aftermath of the Volcker expose, the Congress had decided to issue a comprehensive legal notice to the UN and the Volcker Committee, demanding a full disclosure of the documents on the basis of which the report had characterised the party as a beneficiary in the scam.

"Failing disclosure of the relevant material, the Congress party demands an unconditional apology for wrongly and maliciously making a reference to it," said an AICC press release on November 3, 2005. However, the party is yet to follow up on this threat.

In Rajya Sabha, the minister of state for external affairs Rao Inderjit Singh had said the Volcker Committee had not named the Congress party in its report. He told the Upper House that the report had talked of "Congress, India" and not of the "Indian National Congress."

Pathak panel questions Natwar on Iraq oil scam

Our Political Bureau
NEW DELHI

FORMER external affairs minister K Natwar Singh appeared before the Justice RS Pathak authority on Wednesday and was questioned for close to two hours by the authority that is looking into the oil for food scam.

Mr Singh was accompanied by his son Jagat Singh, who was questioned by the authority on Tuesday morning. After being



questioned by the authority Mr Singh said: "I am abiding by the confidentiality code of this probe in its letter and spirit. Deliberations and discussions were held in detail and the nature of the hearing is confidential."

Mr Singh, on being asked whether the panel would be able to complete the probe by August 11, said: "Why don't you ask Mr Chidambaram about it? He is on record in the Rajya Sabha."

The allegation against Natwar Singh, apart from being named as a non-contractual beneficiary in the Volcker report, is that he had given letters of introduction for Iraqi deputy prime minister Tariq Aziz to Anand Singh, director of Hamdaan Exports. Mr Singh is also named as one of the beneficiaries of the scam.

01 JUN 2005

The Economic Times

Tainted officials embarrass MEA

'Double-standards' raise eyebrows

NILOVA Roy Chaudhury
New Delhi, April 17

SENIOR OFFICIALS of the ministry of external affairs have been in the news for all the wrong reasons recently, causing a major embarrassment to the service that once prided itself on being a cut above the others. But, against the few who've been 'caught', many others have managed to get away.

Rakesh Kumar, from the 1972 batch, is set to face tough questioning by the CBI in a case of "human-trafficking".

Harish Dogra, from the same batch, was recalled as high commissioner to New Zealand after a series of unspecified complaints. Dogra, served with an ultimatum, handed over charge to his deputy and went on a long leave on Saturday.

Chandra Mohan Bhandari, India's envoy to the UAE (1974 batch), was caught trying to couple a private function (his daughter's wedding) with a national one (Republic Day celebrations), when invitations were sent out with the national emblem.

In numerous other cases, however, officials have escaped public ignominy, often for serious corruption, despite being indicted in internal vigilance inquiries. An official, from the 1964 batch, did five consecutive ambassadorial postings, including Sana, Madrid and Bangkok. When leaving the next station each time, he would "take" *objets d'art* from the ambassadorial residence and sell them

at the next station, making several crores of rupees in the bargain.

When confronted by former foreign secretary K. Raghunath with the evidence, he chose to retire. But, when Lalit Mansingh became foreign secretary, he was re-employed and sent to Taiwan as India's representative.

An official who investigated the case for an intra-ministry vigilance inquiry panel, was so disillusioned that no punishment was given to the errant official, that he, too, decided to adopt similar tactics.

He even added buying and selling of apartments for the staff (in an Asian station) to his *modus operandi* for money-making. The official, from the 1965 batch, had his pension funds withheld for a year, after which he was "cleared".

Another official "dabbled" in development funds in Bhutan while heading the mission there. After complaints from the Bhutanese government that several crores of rupees had not reached them although the amount had been released from Delhi, he was told to proceed on "leave pending retirement".

This official, too, ended up heading India's trade mission in Taiwan. Other than these and "petty" crimes, "human-traffick-

ing" has been a serious problem. Kumar faces a CBI probe, but many senior officials, including a batchmate of foreign secretary Shyam Saran (1970 batch), went free, actually getting a "face-saver" in the form of a promotion to secretary in the MEA.

CORRUPTION IN HIGH POSTS

Bid to placate Dogra

AS HARISH Dogra, India's envoy to New Zealand who has been recalled, continued to refuse orders to return to India, an official from the foreign ministry was sent to hear Dogra's side of the matter. With Dogra having lashed out personally at foreign secretary Shyam Saran, matters were getting ugly. So, Biren Nanda, a joint secretary, was deputed to reach Wellington and persuade Dogra to return. Dogra refused to return until Saran retired in September, or 'resigned'.

HTC, New Delhi

18 APR 2006

THE HINDUSTAN TIMES

CBI sniffs for *benami* Chautala properties

OUR CORRESPONDENT

Chandigarh, May 5: The CBI today kept its lips sealed on yesterday's raids that unearthed assets worth nearly Rs 1,500 crore allegedly owned by Om Prakash Chautala and his family.

"A case against Chautala and his family members and unknown persons was registered in April following a notification by the Haryana government. We have made some seizures. That is all," a CBI official said.

Sources at the agency's Chandigarh office, however, said the raids conducted in 24 places across six states had not yielded much to directly charge Chautala with gaining wealth through corrupt deals during his tenure as chief minister.

"Most of the properties the family owns were bought a long time ago. What we are looking at is *benami* properties acquired by the family between 2000 and 2005 when Chautala was in power. The stress is on unearthing properties under fictitious names, not the few expensive watches that we have found and the money in bank accounts. That is an onerous task," a CBI officer said.

"From the Congress election chargesheet, it seems as if the former chief minister had a cut in every paise spent and every appointment by his government. But that has to be proved," he added.

Haryana's Congress gov-



CBI officials at Chautala's residence in Chandigarh on Thursday. (PTI)

ernment has accused the Indian National Lok Dal leader of amassing a huge amount of wealth during his regime.

But chief minister Bhopinder Singh Hooda, who was instrumental in preparing the chargesheet a few months before the Assembly elections last year, is weighing his words carefully. "The law will take its own course," he said.

Senior government officers, when asked to describe Chautala's tenure, said he had centralised power and nothing in his regime moved without his approval. This "gave credence to corruption charges" against him, an officer said.

Chautala, who is undergoing treatment in the US, has said he would reply to the charges when he returns later this month.

THE TELEGRAPH

06 MAY 2006

Maharashtra Minister gets one-month jail term

Legal Correspondent

NEW DELHI: The Supreme Court on Wednesday awarded one-month jail term to Maharashtra Transport Minister Swarup Singh Nayak and Additional Chief Secretary Ashok Khot for giving licence to six sawmills in 2004 despite a ban on the same.

Mr. Nayak was then Forest Minister and Mr. Khot Principal Secretary in the Ministry.

A Bench of Chief Justice Y.K. Sabharwal, Justice Arijit Pasayat and Justice S.H. Kapadia held that the two had committed contempt of court and exemplary sentences were called for.

Mr. Justice Pasayat said, "ev-

eryone, whether individually or collectively, is unquestionably under the supremacy of law.

Whoever he may be, however high he is, he is under the law. No matter how powerful he is and how rich he may be."

The Bench said: "disobedience of this court's order strikes at the very root of the rule of the

law on which the judicial system rests. The rule of law is the foundation of a democratic society. Judiciary is the guardian of the rule of law...If the judiciary is to perform its duties and functions effectively and remain true to the spirit with which they are

sacredly entrusted to it, the dignity and authority of the courts

have to be respected and protected at all costs."

In March 1997, the court ordered closure of all unlicensed sawmills.

In October 2002, it was directed that no State Government give permission to open any mill without a Central panel's permission.

11 MAY 2006

THE HINDU

Victim made key disclosures, why don't you act: HC to CBI

J&K | Court pulls up agency for delayed interrogation, says you are giving accused time to 'think' statements

98-1
RIYAZ WANI
SRINAGAR, MAY 16

THE J-K High Court, which took suo motu notice of the sex abuse scandal, first reported by *The Indian Express*, reprimanded the CBI today for the lack of follow-up action after the minor victim had made "substantive and important disclosures" in her statement to the agency.

"The minor victim has made important disclosures, why did you not take action?" a division bench, led by Justice Imtiaz Hussain and Justice B A Kirmani, observed in the third hearing on a PIL filed by Kashmir High Court Bar Association on the matter.

In response, the CBI team, represented by counsel Shabir Naiko, said that the agency's questioning of the accused in the case was still incomplete. However, the court expressed displeasure over the protracted interrogation.

"You have given Sabeena (the prime accused) and others time to think over it (the statements they are going to make)," the court said.

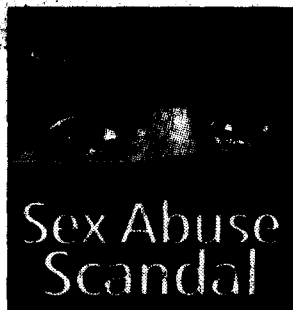
The High Court also gave CBI two days to file the

he court said: "Independence does not mean sovereignty. The stature and the texture of the investigation demands that the investigation be fair, impartial and honest."

The court took exception to the CBI examining the victim first and subsequently questioning Sabeena. "Sabeena is the focal point of the scandal and you (CBI) will reach (the victim) through her," the court observed. "But you have done it the other way round."

The prosecution, led by president of Kashmir High Court Bar Association Mian Abdul Qayoom, insisted on the arrest and the disclosure of the names of VVIPs allegedly involved in the scandal. But the court said it needed more time to assess the evidence.

"We are still in the middle of the recording the statements. Once we get a full picture, we will know who stands where," the judges said.



recorded statements of the prime accused. The statements will have to be filed before the Senior Judicial Magistrate Maulvi Javed, the court said.

When Naiko claimed that procedural difficulties and the "independence" of the agency were reasons behind its inability to comply with this order,

17 MAY 2006

INDIAN EXPRESS

12-6
20/5/02
Pathak panel asks
Jagat about Iraq visit

PRESS TRUST OF INDIA
NEW DELHI, MAY 30

JAGAT Singh, son of former External Affairs minister Natwar Singh, who appeared before the Pathak Inquiry Authority going into the alleged pay-offs in the UN oil-for-food scam, today said it asked him about his visit to Iraq in January, 2001. "They asked me about my visit to Iraq, and what my interests over there were," he said.

Jagat said he had supplied whatever information he had to the one-man authority, which is examining his role in the alleged scam in which Natwar Singh and the Congress party have been named as non-contractual beneficiaries.

He said the examination was based on documentary evidence gathered over several months by government's special envoy Virendra Dayal and several other investigative agencies probing allegations into the Indian angle in Iraq's oil-for-food programme scam.

Asked whether he was in support of further extension of the tenure of the authority, Jagat said he wished that the truth behind these allegations would be uncovered as soon as possible.

"Only those who are guilty would want a delay in this matter. My father and I have nothing to hide and we definitely hope that the probe will end soon," he said.

Though Andaleeb Sehgal and Aditya Khanna, in the hearings before the authority, had admitted that Jagat and his father were non-contractual beneficiaries in the alleged scam, Jagat had denied any involvement in the issue.

In his reply to a notice by the authority, Jagat



Jagat Singh coming out after appearing before the Pathak Inquiry Authority in New Delhi on Tuesday. PTI

had maintained that he had given details of his bank accounts, Income Tax returns and business to the authority and if it so wished, it could get other details submitted to the ED.

3 MAY 2002

INDIAN EXPRESS

Corruption and development~II

In his work "Grand Corruption in Third World Development", George Moody-Stuart, identified areas which are most vulnerable to corruption. These are most notably the procurement of military and other technically sophisticated equipment, and large-scale works in other words, major capital intensive projects and any scheme where objective valuation and comparison is hampered because of the technical sophistication involved. Thus a country, which borrows money to finance projects, which do not, satisfy its real needs or which are economically futile and absurd, will witness an exponential rise in its debt burden.

Public services

When bribes mean more than votes, a government fails its citizens. The money that could provide public services is diverted to private bank accounts. The Parliamentary Committee in Philippines calculated that in 2002 corruption cost the government 1.9 billion annually - twice the size of the national education budget. According to an All-India Corruption Study 2005, done by Transparency International, common citizens of the country paid bribes amounting to Rs 21,068 crores annually while availing important public services.

All this does not mean that development takes place only when corrupt practices are identified and eliminated and it slows down as corruption spreads. There are examples to show that development and corruption can co-exist for a period of time, but such growth is not sustainable in the long run. Corruption like ignorance is an enemy of sustainable and equitable development.

Corruption exposes the participants to the risk of international castigation. Issues of corruption now figure prominently in international agenda. It is no longer a taboo subject. After the Lockheed Aircraft scandal in Japan and the Northrop bribery scandal, the US Congress enacted Foreign Corrupt Practices Act in 1977. The Act criminalises commercial payoffs by American nationals to public servants abroad. Companies found guilty have to pay heavy fines. Ever since US companies have complained that they

Sankar Sen

have been forced to compete on an uneven playing field with their European competitors. But OECD followed suit. In December 1997, the convention on Combating Bribery of Foreign Public Officials in International Business Transactions was signed. Interpol has now a special working group on corruption. International financial and development institutions have also now woken up to the negative impact of corruption. The World Bank, which was criticised earlier for financially dubious and economically risky projects in developing countries, has focused on anti-corruption

ceptible to corruption. The World Bank has also noted that "in general the more favourable the total public sector compensation package compares to private sector the better is the quality of bureaucracy". It explicitly cited the example of Singapore. Not surprisingly Singapore, which is widely perceived to have the region's most competent and upright bureaucracy pays its bureaucrats the best.

However, there is a flaw in this efficiency wage theory that argues that, in order to keep jobs, employees will work harder and better. But the efficiency-wage theory is premised on

accountability standards and practices. Secretiveness has helped politicians and bureaucrats to keep corrupt practices under wraps. Careful analysis, presentation and dissemination of data can be effective in raising general awareness creating momentum for reforms and working out strategies for dealing with corruption.

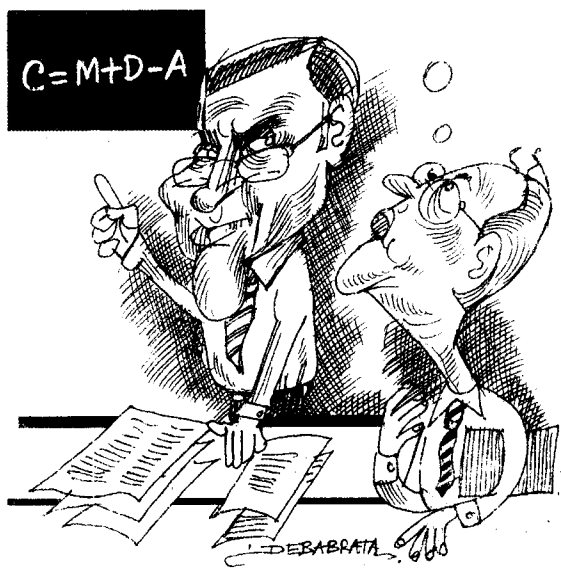
Vested interests

Rose Ackerman has suggested that competitive services might be an answer to deal with the problem of corruption. If service providers competed they would beat down the equilibrium level of corruption. A high level of corruption is exceedingly difficult to reverse. Theoretical models characterise it as sticky. This happens because increase in corruption creates vested interests not willing to surrender lightly. Members of the network of corruption defend their interests by weakening the institutions of restraint.

There are fatalists who feel that chances of success in anti-corruption drive are limited and it is also time-consuming. They point out that it took more than a century in England to bring corruption under control. However, there are examples of countries like Hong Kong, Singapore, which within a reasonably short time have been able to break out of the corruption trap. Even countries like Botswana, Chili, Malaysia, have attained considerable success in combating corruption. But for effectively tackling corruption broader social and institutional reforms are necessary. Corruption is very often a symptom of political, economic and institutional malaise and for addressing corruption effectively these underlying causes have to be tackled.

The entrenched nature of corruption requires some kind of boldness in implementation. Incrementalism is not likely to work. Anti-corruption revolution, if it is to be credible, must start at the top. To make an impact on the public mind, it is necessary to prosecute and punish some major corrupt figures. Some path-breaking actions are necessary to jolt the system out of the corruption trap.

(Concluded)



strategies and measures.

Corruption is widespread in developing and transition countries not because the people there are different from elsewhere but because of prevalence of conditions that facilitate it. In many developing countries watchdog institutions responsible for detection, and enforcement are weak. Without powerful anti-corruption mechanisms and presence of able and expert investigators, detection of bribery cases is difficult. Even when there is detection there is seldom deterrent punishment. This happens more so when corruption is systemic. It is difficult to punish one person severely when many others are equally guilty. Further, the danger of losing jobs has a limited deterrent effect when the official pay is very low.

Studies by the World Bank in the World Development Report, 1997 provides evidence that countries with poorly paid public officials are more sus-

ceptible to corruption. The World Bank has also noted that "in general the more favourable the total public sector compensation package compares to private sector the better is the quality of bureaucracy". It explicitly cited the example of Singapore. Not surprisingly Singapore, which is widely perceived to have the region's most competent and upright bureaucracy pays its bureaucrats the best.

Causes of corruption are usually complex and rooted in the country's policy, bureaucratic tradition, political development and social history. Robert Klitgaard devised a formula that lies at the heart of corruption problem. He has used this equation: $C=M+D-A$ (C = corruption, M = monopoly, D = discretion, A = accountability). Corruption takes place when a person has monopoly over the goods and services and has a discretion to decide who will receive and how much and is not accountable. Therefore, to reduce the potential for corruption it will be necessary to eliminate control of monopoly power, reduce discretion by promoting transparency and also increase

MPLADS scam: Lok Sabha suspends four members

Committee looking into issue submits unanimous report

Special Correspondent

NEW DELHI: The Lok Sabha on Monday reprimanded and suspended four of its members — Churchill Braz Alemão, Parasnath Yadav, Faggan Singh Kulaste and Ram Swaroop Koli — till March 22 following a Committee report that went into allegations of improper conduct against them in the implementation of MP Local Area Development Scheme (MPLADS).

On December 20 last, Speaker Somnath Chatterjee had requested the MPs not to attend the House after a television channel carried a sting operation alleging their involvement. A Committee was asked to go into the charges, and it submitted a unanimous report on March 14. The Lok Sabha would go into recess on March 22 and reassemble in May for the second part of the budget session.

Moving the motion that was adopted by voice vote, Leader of the House Pranab Mukherjee said he was performing a "painful duty" in having to act against colleagues and deal

with the "misdemeanour." He praised the work put in by the members of the Committee headed by V. Kishore Chandra S. Dev.

Mr. Mukherjee noted that the exercise was in line with the tradition of the House of "self-correcting process" since the Mudgal episode that led to the expulsion of 10 MPs last December on the cash-for-questions issue.

He said the House always rose to any occasion for intervention to protect the image of Parliament. On the Committee's recommendation that the Union Government take steps to lay guidelines and norms for sting operations, Mr. Mukherjee said it was not to gag the freedom of expression guaranteed under the Constitution.

Santosh Gangwar (BJP) agreed with the motion and suggested that, if required, the House could discuss the report during the next session. Varakala Radhakrishnan (CPI-M) objected that some of the suspended MPs had signed the attendance register even though they were asked not to come to the House. Mr. Chatterjee said their signatures would be treated as *non-existent* (non-existent).

Copy - 10/10/21/2

21 MAR 2006

THE HINDU

সাবমেরিন চুক্তি নিয়ে সরকারকে কোণঠাসা করতে মরিয়্যা বিজেপি

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ২০ মার্চ: ভোলকারের পরে এ বার সাবমেরিন চুক্তি। দুর্নীতির অভিযোগ তুলে ফের ইউপিএ সরকারকে কাঠগড়ায় তুলতে মরিয়্যা বিজেপি তথা এনডিএ নেতৃত্ব। অভিযোগ, ফরাসি সংস্থা থ্যালেসের কাছ থেকে স্করপিন সাবমেরিন কেনার চুক্তিতে মোটা অঙ্কের দুর্নীতি করেছে মনমোহন সরকার। প্রায় ১৯ হাজার কোটি টাকার এই প্রতিরক্ষা চুক্তিতে অন্তত পাঁচশো থেকে সাতশো কোটি টাকা টাকা হাতিয়ে নিয়েছেন কংগ্রেস-ঘনিষ্ঠ তিন মধ্যস্থতাকারী।

ভোলকার-কাণ্ডের মতোই সাবমেরিন চুক্তি নিয়ে দুর্নীতিতেও কংগ্রেস নেতৃত্বকেই নিশানা করতে চেয়েছে বিজেপি। নৌসেনার ওয়ার রুম থেকে তথ্য ফাঁসের ঘটনাতেও মনমোহন সরকারকে চেপে ধরতে চাইছেন লালকৃষ্ণ আডবানী-যশোবন্ত সিংহেরা। তবে প্রধান বিরোধী দলের আনা অভিযোগ নিয়ে আজ সরকারের তরফে সবিস্তার কোনও ব্যাখ্যা দেওয়া হয়নি। বরং তা আগামী কালের জন্য তুলে রাখা হয়েছে। কংগ্রেসও আজ এ নিয়ে মুখ খোলেনি। বিজেপির অভিযোগ নিয়ে প্রধানমন্ত্রী মনমোহন সিংহ কোনও মন্তব্য করতে চাননি। প্রতিরক্ষামন্ত্রী প্রণব মুখোপাধ্যায় বলেন, "ওয়ার রুম থেকে তথ্য ফাঁস আর স্করপিন চুক্তি পৃথক বিষয়। তথ্য ফাঁসের ঘটনায় ২১ ফেব্রুয়ারি সিবিআই তদন্তের নির্দেশ দেওয়া হয়েছে। কিন্তু স্করপিন চুক্তিতে গলদ নেই, সে কথা আমরা আগেও জানিয়েছি। কাল এ ব্যাপারে সংসদে সবিস্তার জানাতে পারি।"

তবে সরকারের তরফে কাল যে ব্যাখ্যাই দেওয়া হোক, ভোলকার-কাণ্ডের মতো এই বিষয় নিয়ে বিজেপি যে প্রতিদিনই নতুন তথ্য বা যুক্তি হাজির করে সরকারকে বিধতে চাইবেন, তা স্পষ্ট। বিজেপি নেতারা এ-ও বুঝিয়ে দিয়েছেন, বিরোধী হিসাবে কুত্রোচ্চিকাণ্ড বা নবীন চাওলার বিরুদ্ধে শাহ কমিশনের রিপোর্ট, কোনও বিষয়েই সরকারকে ছেড়ে কথা বলবেন না তাঁরা।

সাবমেরিন চুক্তি নিয়ে কিছু 'তথ্য প্রমাণ' সংগ্রহ করে আজ নিজের বাসভবনেই সাংবাদিক সম্মেলন ডেকেছিলেন আডবানী। বিজেপি নেতৃত্বের অভিযোগ, এখনও পর্যন্ত

পাওয়া তথ্য বলছে, এই আর্থিক দুর্নীতিতে কংগ্রেসের ছোট-বড় একাধিক নেতা-কর্মী জড়িয়ে রয়েছেন। তাঁদের আরও অভিযোগ, প্রতিরক্ষা মন্ত্রকের "ওয়ার রুম লিক"-এর সঙ্গে ওতপ্রোত ভাবে জড়িয়েছে স্করপিন চুক্তি। কারণ, ওয়ার রুম থেকে স্করপিন সাবমেরিন ক্রয় সংক্রান্ত বাণিজ্যিক তথ্যই ফাঁস হয়ে গিয়েছিল। এই সব তথ্য তুলে ধরে বিজেপি এ দিন স্করপিন চুক্তি বাতিলের দাবি জানিয়েছে। একটি নিরপেক্ষ তদন্ত কমিশন গড়ার দাবিও করেছে বিজেপি।

রাজ্যসভার বিরোধী দলনেতা যশোবন্ত সিংহ বলেন, স্করপিন চুক্তিতে মুখ্য মধ্যস্থতাকারী অভিষেক বর্ম্মা ফরাসি সংস্থা থ্যালেসের কাছ থেকে কংগ্রেসের তরফে অন্যতম প্রতিনিধি হিসাবে পরিচয় দেন। এটা মারাত্মক থ্যালেসের চিফ একজিকিউটিভ অফিসার জো পল পেরিয়ে ই-মেইল বার্তায় চুক্তির অঙ্কের চার শতাংশ কমিশন দেওয়া নিয়ে অভিষেককে আশ্বস্তও করেছিলেন। চুক্তি সহিয়ে পরে দিল্লিতে ফরাসি দূতাবাসের একা ভোজসভায় হাজির ছিলেন অভিষেক কাঠগড়ায় তোলা হয়েছে মুম্বইয়ে ব্যবসায়ী রবি শঙ্করনকেও। নৌসে-প্রধান অ্যাডমিরাল অরুণ প্রকাশে নিকটাত্মীয় শঙ্করন। অভিষেক, শঙ্কর পেরিয়ে-র একাধিক ই-মেইল বার্তা আ সাংবাদিক বৈঠকে তুলে ধরেন বিজেপি নেতৃত্ব। সেই সঙ্গে সরকারের বিরুদ্ধে একাধিক প্রশ্নও তুলেছে বিজেপি।

সাবমেরিন চুক্তি নিয়ে দুর্নীতি ঘটনা সম্পর্কে ইতিমধ্যেই একা ইংরেজি পাক্ষিকে একটি প্রতিবেদ বেরিয়েছে। বিজেপি নেতৃত্বের প্রশ্ন, ও প্রতিবেদনের তথ্য কোনও ভুল থাকলে সরকারের চ্যালেঞ্জ করা উচিত ছিল কিন্তু তা করা হয়নি কেন? নৌসেনার ওয়ার রুম থেকে তথ্য ফাঁসের ঘটনায় জড়িতদের শাস্তি দেওয়া হয়েছে। কিন্তু যে ব্যবসায়ীদের হাতে ওই তথ্য তুলে দেওয়া হয়েছে তাদের ধরা হয়নি কেন, সে প্রশ্নও তুলেছে তারা। এ সব প্রশ্ন তুলে কাল সংসদেও সরব হবেন বিরোধীরা। আডবানী নিজেও আজ জানিয়েছেন, বাজেট অধিবেশনের দ্বিতীয় পর্বে কুত্রোচ্চিকাণ্ড, ওয়ার রুমের তথ্য ফাঁস এবং স্করপিন চুক্তি নিয়ে দুর্নীতির অভিযোগে সংসদে সোচ্চার হবেন এনডিএ সাংসদরা।

21 MAR 2006

ANU DADAR...

Support for Speaker swells on court role

OUR SPECIAL
CORRESPONDENT

New Delhi, Feb. 4: Lok Sabha Speaker Somnath Chatterjee today received the support of presiding officers of state legislatures on his stand that courts have no say on the expulsion of MPs and MLAs from the Houses.

The presiding officers, who met here in an emergency meeting, unanimously passed a resolution that courts should not interfere in the legislature.

Addressing a day-long conference, Chatterjee asked the courts to decide whether they had the constitutional authority to intervene in the expulsion of MPs on corruption charges.

Ten Lok Sabha MPs and a Rajya Sabha MP were expelled in December after being caught on camera accepting cash to ask questions in Parliament. Some moved Delhi High Court and the Supreme Court for redress.

The conference, attended by 41 presiding officers, adopted a resolution endorsing the Speaker's decision to refuse court notices on the matter.

Chatterjee, however, said the judiciary and the legisla-



Chatterjee: 'Adhunik Bheeshma'

ture should not be on collision course. "It is farthest from my mind. The legislature will not gain anything by having confrontation. They are occupying different areas altogether; spaces are different and functions are different. Where is the question of confrontation?"

The resolution was moved by Jharkhand Speaker Inder Singh Namdhari and seconded by Uttar Pradesh's Mata Prasad Pandey and Bengal's Hashim Abdul Halim.

Namdhari even called Chatterjee an "adhunik Bheeshma Pitamah" (modern-age

Bheeshma), adds PTL.

He said the Speaker was different from the "original Bheeshma", who had been a mute witness to the disrobing of Draupadi. "But you have refused to be a mute spectator and stood up to protect the dignity of Draupadi," Namdhari said.

The Speaker had consulted all political parties before refusing the court notices last month. While most sided with him, the BJP felt the chair should send a lawyer to the Supreme Court to convey Parliament's view.

Chatterjee said such judicial proceedings were not maintainable as they lack the sanction of the Constitution. "As the custodian of the powers, privileges and immunities of the Lok Sabha and of its Speaker and members, I cannot assent to make them a subject matter of judicial scrutiny, contrary to constitutional provisions," he said.

Any other stand taken by him would have impaired the prestige and dignity of the legislature, undermining the principle of separation of powers, which is one of the basic principles of the Constitution, he said.

- 5 FEB 2006

THE TELEGRAPH

নিলাম হচ্ছে গেল ভগবতীর বাডি



আমি যদি ঘুষ নিয়ে থাকি জ্যোতিবাবু ঘুষ দিয়েছেন

আমি তো ওকে চিনতামই না। অনেকে মতো উনিও আবেদন করে জমি পেয়েছেন

প্রাক্ষিপ্ত: জমি মিত্র, ছবি: সুদীপ জাচার

চক্রান্তের আভিযোগ রাজ্যের কয়েক জন অফিসারের বিরুদ্ধে

নিজস্ব সংবাদদাতা: অবসরপ্রাপ্ত ভগবতীপ্রসাদ বন্দ্যোপাধ্যায়ের সন্টলেকের বাড়ি শেষ পর্যন্ত নিলাম হয়ে গেছে। ৫১ লক্ষ টাকা দর হৈঁকে তাঁর জমি-বাড়ি কিনে নিলেন প্রদীপ মুরারীকে নামের এক ব্যবসায়ী। বিচারপতির পদের অপব্যবহার করে মুখ্যমন্ত্রীর কোর্টায় জমি পাওয়ার অভিযোগে সূত্রিম কোর্ট ভগবতীবাবুর বাড়ি নিলামের নির্দেশ দেয়। ভগবতীবাবু অবশ্য এই দায়ে খুঁশি নন। এই ব্যাপারে তিনি ইতিমধ্যেই সূত্রিম কোর্টের দায় হস্ত ছেড়েছেন। তা ছাড়া, নিলামের পদ্ধতি ও বাড়ির দাম নিয়ে রাজ্য সরকারের বিরুদ্ধে যত্নবাহুর অভিযোগ এনেছেন তিনি।

শনিবার দুপুর ১২টা নাগাদ সন্টলেকের লবণ হ্রদ মঞ্চে নিলাম হয়। কিন্তু তার পরের পরিস্থিতি ঠিক কী দাঁড়াল, কেউই বলতে পারছেন না। নিলামের প্রক্রিয়া সরকারি ভাবে করে শেষ হবে, বাড়ির দখল ক্রেতার হাতে কী ভাবে যাবে, ভগবতীবাবুই বা কত দিন ওই বাড়িতে থাকতে পারবেন— কিছুই এখনও স্পষ্ট নয়। নগরোন্নয়ন দফতরের যুগ্ম-সচিব প্লাবন বাগচি বলেন, “নিলাম শুরু করার আগেই অংশগ্রহণকারীরা ১২ লক্ষ টাকার ব্যাঙ্ক ড্রফট জমা দিয়েছিলেন। বকেয়া টাকা করে দিতে হবে, সরকারি পদ্ধতি মেনে ক্রেতাকে তার দিনাক্ষণ জানানো হবে।” নিলামে জেতা প্রদীপ মুরারীকে বেশি দিয়ে সর্বোচ্চ দর হুকি। “ভগবতীবাবুর বিতর্কিত বাড়ি কিনতে পেরে যথেষ্ট খুশি বলেও তিনি জানান। তবে তাঁর গ্রন্থ, “এত প্রকারের কী আছে?”

জমি-বাড়ির মোট দাম ৫১ লক্ষ টাকা উঠলেও সরকারের কাছ থেকে ভগবতীবাবু শুধু বাড়ির দামটাই পানেন। ওই টাকা পাওয়ার পর তাঁকে বাড়ি ছেড়ে দিতে হবে। নিলামের পর দুশ্যতই অংশগ্রহণকারীরা রাজ্য সরকার ও নগরোন্নয়ন দফতরের বিরুদ্ধে অভিযোগ করেছেন। শনিবারের নিলামের পদ্ধতি নিয়েও আপত্তি রয়েছে তাঁর। বলেন, “নিলামের দিনাক্ষণ সম্পর্কে পুরোপুরি অন্ধকারে ছিলাম। আইনত, উভয় পক্ষের সামনে নিলাম হওয়ার কথা। কিন্তু সরকার এই নিয়ম মানেনি।” সংবাদপত্রে জনতে পেরে ভগবতীবাবুর পক্ষে তার পুত্রবধু অনুপূর্বদেবী নিলামের সময় উপস্থিত

থেকেও মূল্য হ্রাস করে বাড়ির বাজার মূল্য ঠিক করা হয়েছে। ভগবতীবাবুর দাবি, তার চার্টার্ড ইঞ্জিনিয়ার তথা ভাণ্ডারীর হিসাব অনুযায়ী জমি বাদ দিলেও শুধু বাড়ির মূল্য ৮২ লক্ষ টাকারও বেশি। নগরোন্নয়ন দফতর এই অভিযোগ অস্বীকার করেছেন। শনিবারের নিলামের পদ্ধতি নিয়েও আপত্তি রয়েছে তাঁর। বলেন, “নিলামের দিনাক্ষণ সম্পর্কে পুরোপুরি অন্ধকারে ছিলাম। আইনত, উভয় পক্ষের সামনে নিলাম হওয়ার কথা। কিন্তু সরকার এই নিয়ম মানেনি।” সংবাদপত্রে জনতে পেরে ভগবতীবাবুর পক্ষে তার পুত্রবধু অনুপূর্বদেবী নিলামের সময় উপস্থিত

নিজে তিনি মুখ্যমন্ত্রী কোর্টায় সন্টলেক জমি পেয়েছেন, এই অভিযোগে কোর্ট ২০০৪ সালে ভগবতীবাবুকে বাড়ি ছাড়ার নির্দেশ দেয়। সর্বোচ্চ আদালত জানায়, সরকারের দেওয়া দাম পছন্দ না হলে বাড়ি নিলাম হবে। কিন্তু সরকার বাড়ির দাম ৮ লক্ষ টাকা ঠিক করায় সেই প্রস্তাব ফিরিয়ে দেন ভগবতীবাবু। কিন্তু নিলামের জন্য নগরোন্নয়ন দফতরের উভয় পক্ষের মতামত নেই। ভগবতীপ্রসাদ-সহ সন্টলেকের বহু মুখসচিবের কাছে আর্জি জানান তিনি। তাতেও ফল না হওয়ায় সূত্রিম কোর্টের দায় হস্ত হন তিনি। সূত্রিম কোর্ট আবেদন করেছিলেন প্রাক্তন উপমূল কাউন্সিলর ফেব্রুয়ারি সেই মামলার শুনানি।

থেকেও মূল্য হ্রাস করে বাড়ির বাজার মূল্য ঠিক করা হয়েছে। ভগবতীবাবুর দাবি, তার চার্টার্ড ইঞ্জিনিয়ার তথা ভাণ্ডারীর হিসাব অনুযায়ী জমি বাদ দিলেও শুধু বাড়ির মূল্য ৮২ লক্ষ টাকারও বেশি। নগরোন্নয়ন দফতর এই অভিযোগ অস্বীকার করেছেন। শনিবারের নিলামের পদ্ধতি নিয়েও আপত্তি রয়েছে তাঁর। বলেন, “নিলামের দিনাক্ষণ সম্পর্কে পুরোপুরি অন্ধকারে ছিলাম। আইনত, উভয় পক্ষের সামনে নিলাম হওয়ার কথা। কিন্তু সরকার এই নিয়ম মানেনি।” সংবাদপত্রে জনতে পেরে ভগবতীবাবুর পক্ষে তার পুত্রবধু অনুপূর্বদেবী নিলামের সময় উপস্থিত

নিজস্ব সংবাদদাতা: “আমি যদি ঘুষ নিয়ে থাকি, তা হলে জ্যোতিবাবু ঘুষ দিয়েছেন।” বিচারপতির পদে বসে রাজ্য সরকারের সঙ্গে তাঁর অশুভ আঁতড়ের অভিযোগ যদি সত্যিই হয়, তা হলে কি সেই দোষে প্রাক্তন মুখ্যমন্ত্রী ও দোষী নন? শনিবার তাঁর নিলাম হয়ে যাওয়া বাড়ির চেম্বারে বসে কার্যত এই প্রশ্নই তুললেন অবসরপ্রাপ্ত বিচারপতি ভগবতীপ্রসাদ বন্দ্যোপাধ্যায়।

দুপুর আড়াইটা। যষ্ঠা খানেক আগে বি ডি ব্লকের একটি মঞ্চে নিলাম হয়ে গিয়েছে বাড়ি। এফ ডি ব্লকের ৪২৯ নম্বর বাড়িতে অবশ্য তখনও কোনও পরিবর্তন লক্ষ করা যায়নি। ‘সুরলিনী’-র বাসিন্দাদের সুর অবশ্য বেশ চড়া। দুপুরের খাওয়া শেষ করে নিজের চেম্বারে বসলেন ভগবতীবাবু। পুত্রবধু অনুপূর্ব বন্দ্যোপাধ্যায় সবে নিলাম থেকে ফিরেছেন। তাঁর মুখেই শুনেছেন শখ করে বানানো পোতলা বাড়ি নিলাম হয়ে যাওয়ার কথা। যে বাড়ির দাম তাঁর নিয়োগ করা ইঞ্জিনিয়ার ৮২ লক্ষ টাকা হিসাব করেছিলেন, সে বাড়ির দাম মাত্র ৩০ লক্ষ ৫০ হাজার টাকা ওঠায় দুশ্যতই ক্ষুব্ধ তিনি। ব্যঙ্গের হাসি হেসে বলেন, “আমার তো শশানে যাওয়া ছাড়া রাস্তা রইল না। কিন্তু ওই আশুনে শুধু আমিই পুড়ব না, আরও অনেকে পুড়বে।”

প্রাক্তন মুখ্যমন্ত্রী জ্যোতিবাবু অবশ্য ভগবতীবাবুর অভিযোগের কোনও অর্ধই খুঁজে পাননি। বিশ্মিত জ্যোতিবাবু বলেন, “আমি ঘুষ দিয়েছি? আমি তো ওঁকে চিনতামই না। হাইকোর্টে ওঁর বেক্ষেই মামলা গিয়েছিল। ওইই নির্দেশ ছিল, অন্য কারও না, শুধুমাত্র মুখ্যমন্ত্রীরই কোর্টা থাকবে। আমি ১৭০ জনকে জমি দিয়েছি। অনেকেই জমি পেয়েছেন। উনি আবেদন করেছিলেন, উনিও পেয়েছেন। এর মধ্যে ঘুষ দেওয়া নেওয়ার প্রশ্ন কী ভাবে আসছে, বুঝতে পারছি না।”

বাড়ি নিলাম হয়ে যাওয়ার পর সরকারের কাছ থেকে বাড়ির দাম-বাবদ ৩০ লক্ষ ৫০ হাজার টাকা পাঠানো হয়েছিল। সেই টাকা হাতে পেলেনই বাড়ি খালি করে দিতে হবে বলে। কোথায় যাবে এর পর? ক্ষুব্ধ ভগবতীবাবু বলেন, “রাজ্য সরকার চক্রান্ত করে আমাকে পথে পথে মারতে চলেছে। আমার আর পশ্চিমবঙ্গে থাকার ইচ্ছা নেই।” সি পি এমের রাজ্য সম্পাদক অনিল বিশ্বাস প্রাক্তন বিচারপতির ওই অভিযোগ অস্বীকার করে বলেন, “সরকার কোনও চক্রান্তমূলক কাজ করে না।” ভগবতীবাবুর বাড়ির দাম নির্ধারণ প্রসঙ্গে তিনি বলেন, “এই ব্যাপারে আমার কোনও অভিজ্ঞতা নেই। আমি ঘরবাড়ির ব্যবসা করি না।”

৯০০৭ ৯২৮৩ ৯০০৭

ANADABAZAR PATTIKA

No direct evidence against Quattrocchi, says CBI

21/1/03
CIVIL
47-12

He has already withdrawn about Rs. 21 crores, agency tells court

J. Venkatesan

NEW DELHI: The Central Bureau of Investigation could not gather any direct evidence to link the funds of Italy based businessman Ottavio Quattrocchi kept in the two bank accounts in London with the receipt of payments of commission from Bofors through AE Services.

The Centre stated this in an affidavit filed in the Supreme Court hearing a petition against the defreezing of the two accounts of Quattrocchi, accused in the Bofors payoff case.

Additional Solicitor General Gopal Subramaniam also informed the three-Judge Bench comprising the Chief Justice Y.K. Sabharwal, Justice C.K. Thakker and Justice R.V. Raveendran that Quattrocchi had withdrawn the amounts (to the tune of Rs. 21 crores) on the same day (January 16) when the apex court ordered that *status quo* be maintained in respect of the two accounts.

'No permission needed'

To a question from the CJI whether the CBI, which initiated the process of freezing of the accounts in July 2003 through the special court in Delhi, got permission from the court before taking steps for de-freezing of the two accounts, Mr. Subramaniam said "no permission was obtained by the CBI." He, however, maintained that no such permission was necessary since it was an on-going investigation.

In the affidavit, the Centre said "no useful purpose will be served by maintaining the re-

straint order dated July 21, 2003 as there is no longer any reasonable prospect of the case against Quattrocchi proceeding to trial" and the same was intimated to the Crown Prosecution Service in London. "Thus, a possible discharge of the funds lying in the accounts of Quattrocchi may well have been inevitable," it said.

'Why not a closure report'

Referring to this, the Bench wanted to know from Mr. Subramaniam "when there is no case why don't you file a closure report before the special court." Mr. Subramaniam said the CBI had not taken a position that there was no case to proceed against Quattrocchi. He said "that is why the CBI has also not filed a closure report of the case before the Chief Metropolitan Magistrate where the matter relating to cheating and criminal conspiracy is pending," the ASG said.

Explaining the sequence of events, Mr. Subramaniam said the Government and CBI wanted the attachment on the two bank accounts to continue. But after the two Delhi High Court judgments in the case, the British Home Department and Quattrocchi's attorney contended before CPS that the accounts were to be defrozen.

He said despite Letters Rogatory being sent to Switzerland, Sweden and Bahamas the efforts of the CBI in tracing the whereabouts of the proceeds had not succeeded. It was only thereafter the CBI sent a Law Officer to London for defreezing of the two accounts.

The petitioner, Ajay Agarwal, advocate, brought to the notice of the court that while the Prime Minister, Manmohan Singh, had stated that the CBI had acted on its own in sending a Law Officer to London, according to the CPS, B. Datta, Additional Solicitor General, had acted on behalf of the Government of India. He wanted to know whether the statement of the Prime Minister was correct or not.

Mr. Subramaniam justified the Prime Minister's statement and said as far as the CPS was concerned "the CBI and Government of India (GOI) are treated as synonymous with the GOI." The Centre's affidavit maintained "the CBI did not participate in any collusive action for the benefit of any accused person as being alleged. The CBI attempted to get Quattrocchi extradited but failed. The CBI attempted to pursue the matter in the United Kingdom to the best of its ability but two factors came in the way of the CBI, viz. the absence of evidence to link the funds in the London account with the proceeds received by Quattrocchi allegedly through AE Services and imminent unlikelihood of securing the presence of Quattrocchi for completing the trial."

The affidavit said that efforts would continue to get Quattrocchi extradited and the CBI proposed to send suitable Letter Rogatory to get information from Switzerland upon the funds held by Quattrocchi. The Bench adjourned the hearing by two weeks to enable the petitioner to file his reply.

House panel submits report to Somnath

Speaker likely to table it in Lok Sabha today; Rajya Sabha panel expected to submit its findings tomorrow

Special Correspondent

NEW DELHI: The Pawan Bansal committee of the Lok Sabha on Wednesday submitted its report on the "cash-for-query" scam to Speaker Somnath Chatterjee.

The five-member panel had, in the last 10 days, viewed the original videos of the sting operation, interrogated the journalists involved and also the 10 Lok Sabha members. According to the committee members all were asked to make their statements under oath.

It is learnt that the Speaker will table the report on Thursday — all members are expected to

22/12/2011
● Panel viewed original videos, interrogated journalists and the 10 MPs

● All Lok Sabha members expected to be given a copy of report

● Resolution likely on the basis of report's recommendation

be given a copy so that they could find time to read it — and the following day a resolution is likely to be moved on the basis of the report's recommendation.

The 10 Lok Sabha MPs have not attended the House since the sting operation. They were told

Ram Pal, Marinara Kushwaha, Lal Chandra (all three Bahujan Samaj Party), Ramsewak Singh (Congress) and Manoj Kumar (Rashtriya Janata Dal).

Mr. Bansal said on Tuesday that the committee would give specific recommendations and not simply suggest that the matter be handed over to the Privileges Committee. He said: "We were given a specific job and a responsibility." However, he refused to say anything about the nature of the recommendation. Besides Mr. Bansal (Congress) who chaired the committee, its other members are V.K. Malhotra (BJP), Mohammad Salim

(Communist Party of India-Marxist), Ram Gopal Yadav (Samajwadi Party) and C. Kuppaswami (Dravida Munnetra Kazhagam). The Rajya Sabha Ethics Committee headed by Karan Singh (Congress), looking into the conduct of the lone MP of the Upper House Chhatrapal Singh (BJP) is expected to submit its report on December 23, the last day of the winter session.

Rajya Sabha Chairman Bhairoo Singh Shekhawat has suspended Chhatrapal Singh.

Another report on Page 12

THURSDAY, DECEMBER 22, 2005

Scrap the scheme

copy ✓

Just seven days after a sting operation exposed 11 MPs in a cash-for-questions racket, another undercover investigation has caught seven more parliamentarians discussing kickbacks with television reporters for handing out contracts under the Members of Parliament Local Area Development Scheme (MPLADS). At one level, this investigation is further confirmation — if any were needed — of the corruption and venality of those who occupy the highest legislative bodies in the country. At another and possibly more pertinent level, the scandal focusses attention on MPLADS — a scheme that has been wasteful, prone to gross misuse and, as the National Commission to Review the Working of the Constitution observed, is “inconsistent with the spirit of the Constitution.” Launched in late 1993, the scheme enables MPs to recommend “works” involving the “creation of durable assets” for “public use”; while Lok Sabha MPs may recommend to the district collector such works up to Rs.2 crore a year in their constituencies, Rajya Sabha MPs may do likewise in one or more districts in the States they represent. The scheme, which was justified on the ground that constituents often approach the MPs for small capital works, has been a study in abuse. Two reports by the Comptroller and Auditor General, in 1998 and 2001, have strongly criticised the waste and the serious irregularities in the implementation of the scheme. Given the nature of the scheme, it is easy for MPs to siphon away through commissions a part of the money spent on projects. According to the Ministry for Statistics and Programme Implementation, the Central Government has sanctioned a staggering Rs.14,070.52 crore cumulatively since its inception.

Yet those who occupy the two Houses have been largely unconcerned about the financial implications of MPLADS. Initiated with a provision of Rs.50 lakh per MP, the amount was raised to Rs.1 crore in the mid-1990s and to the existing Rs.2 crore in 1998. The pressure to increase the outlay has been ceaseless; a few years ago, the Lok Sabha Committee on MPLADS recommended that the payout be upped to at least Rs.5 crore. It would be a truly welcome thing if the sting operation provokes a serious debate on the wisdom of persisting with such a flawed scheme. A heartening development is that MPs from a wide section of the political spectrum — from the Bharatiya Janata Party, Communist Party of India (Marxist) and sections of the United Progressive Alliance — have called for its scrapping. Earlier this year, the National Advisory Council headed by Sonia Gandhi recommended that MPLADS be abolished and that the money earmarked for it be transferred to local governments — or to where it truly belongs. As the NCRWC has suggested, there can be no place for a scheme that is inconsistent with the spirit of federalism and which “treads into the areas of local government institutions.” The MPLADS militates against the very process of decentralisation. The ugly face of corruption, which was revealed candidly by the sting operation, is another reason it must go.

MPs take on apex court

Cash-for-query scam: Speaker won't accept notice

HT Correspondent
New Delhi, January 20

LOK SABHA Speaker Somnath Chatterjee wouldn't relent. He will neither accept the Supreme Court notices nor appear before the court to explain the 'cash-for-questions' MPs' expulsion. On this, he has the House's support.

Chatterjee made this clear on Friday after an all-party meet, which urged him to ignore the court notices. Even the BJP backed this line though it said the Speaker should ask the government to convey his views to the court.

Chatterjee said there was "nothing by way of confrontation" in the decision and that he was just doing his constitutional duty of protecting the rights and privileges of the House. Before referring the issue to a Constitution Bench, the court should have checked whether it had any authority



Somnath Chatterjee

in the first place to take up a matter that belonged to the exclusive domain of the Lok Sabha. The MPs had been expelled following a House decision representing the members, all of whom had cast their votes. "Challenging the decision was like challenging the MPs' votes." Unless the MPs' votes were "nullified," the House's decision could not be "revoked," he said.

According to Article 105 (2) of the

Constitution, no member could be questioned on his vote. Any action to question Parliament's expulsion of its members would violate Article 105, he added. Buttressing his argument, Chatterjee said the Supreme Court itself had ruled in the Jharkhand Mukti Morcha case that no court could take away the House's right to decide on the conduct of its members. Even the Constituent Assembly had said no other authority could go into the House's powers to punish erring members.

Urging all organs of the Indian State to respect the "Lakshman rekha" of separation of powers, he Speaker said the Constitution "did not contemplate existence of any Super Organ."

He said so far no notice had reached his office, either from the Delhi High Court or the Supreme Court. "If a notice comes, it will be respectfully returned," he added.

THE HINDUSTAN TIMES

House to probe MPLADS scam

Statesman News Service

NEW DELHI, Dec. 20. — Stung for the second time in a week by cash-on-camera scams involving MPs across the party line, Parliament today again swung into action. Following the latest sting operation exposing seven MPs' alleged involvement in the "MP local area development scheme scam", the Lok Sabha Speaker, Mr Somnath Chatterjee, ordered an inquiry against five members while the Rajya Sabha Chairman, Mr Bhairon Singh Shekhawat, referred the cases of two members to the Ethics Committee. Both Mr Chatterjee and Mr Shekhawat rued how the tainted MPs had dealt a severe blow to the image and dignity of Parliament.

Taking a serious note of yesterday's expose by Star News TV channel, Mr Chatterjee announced in the House as soon as it assembled this morning that an inquiry would be conducted into the "serious allegations of improper conduct" against Mr Alemao Churchill (Cong), Mr Faggan Singh Kulaste, Mr Ramswaroop Koli and Chandra Pratap Singh (all BJP) and Mr Parasnath Yadav (SP). He also asked them not to attend the House until the probe had been completed. It was a matter of shame, the Speaker said, that a fresh scandal had come to light at a time when an inquiry was already on into the cash-for-questions expose.

Mr Chatterjee later constituted a seven-member inquiry panel, headed by Mr Pawan Kumar Bansal (Congress) to probe the

MPLADS expose. The committee, whose members were drawn from various parties, was asked to submit its report to the Speaker by 31 January, 2006.

The accused members were asked to submit their statements and explanations by 2 January. Barring Mr Acharya and Mr DP Yadav, others are also members of the committee that is already probing the cash-for-posers scandal involving 10 MPs.

Other than the five Lok Sabha members, two Rajya Sabha members — Sakshi Maharaj of Rashtriya Kranti Dal (SP-supported) and Mr Isam Singh (BSP) were also caught on camera indulging in corruption.

On the MPLADS, the Houses seemed to be divided, with the RJD and the CPI-M saying the scheme, under which each MP was allocated Rs 2 crore every

year for developing his constituency/state, should be scrapped. While some favoured it, others said it should be continued but with a better monitoring mechanism. The MPLADS involving several thousand crore rupees has drawn flak from various quarters over its alleged misuse by MPs and state legislators, a section of whom are under cloud for their corrupt practices.

Mr Somnath Chatterjee, who is personally against the scheme, has convened a dinner meeting of top leaders of all parties tomorrow night to discuss the matter. Apart from Prime Minister Dr Manmohan Singh and former PM Mr Atal Behari Vajpayee, the UPA chairperson Mrs Sonia Gandhi and Opposition leader Mr LK Advani, among other leaders, are expected to attend it.

THE STATESMAN

Telgi convicted in fake stamp scam

Mumbai Special Court Sentences Him, Associates To 10 Years' RI

Mumbai: The kingpin of multi-crore fake stamps and stamp paper racket Abdul Karim Telgi was on Tuesday convicted by a special court for his role in a 1995 case of selling fake stamps worth Rs 17 lakh.

This is the first conviction of Telgi who is lodged in Yerwada prison in Pune. He was not present when the judgment was delivered but appeared on television through video conferencing. The judgment was delivered by special judge U D Salvi in the jam-packed courtroom. Telgi's associates Sanjay Gaikwad and Ram Ratan Soni were also convicted.

Telgi, Gaikwad and Soni were awarded rigorous imprisonment for ten years and Rs 50,000 fine on the charge of conspiracy. Prosecutor Pradeep Gharad sought maximum life punishment for the accused but all of them pleaded clemency on humanitarian grounds.

Telgi, through video conferencing, urged

the court to show leniency as he was suffering from HIV/AIDS and his wife was in hospital. The entire trial was held through video-conferencing, prosecutor Pradeep Gharad said, adding this was the first case in which the proceedings were conducted



through this method.

The prosecution's case is that in 1995 Pooranand and Co, a solicitor firm, had to execute two documents on behalf of its client and required special adhesive stamps worth Rs 16,58,990 to be affixed thereon. There was urgency in the matter as the client was to go abroad. Someone suggested to them that Tel-

gi could do this and the firm approached him. Telgi's employee Rakesh Sharma went to the solicitor's office, collected the document and allegedly affixed fake stamps. He also gave receipt of delivery of stamps signed by Telgi, promising to deliver the original receipt of General Stamp Office.

However, he failed to deliver. The company got suspicious and verified from General Stamp Office only to be told there was no sale of the stamps.

A complaint was lodged by solicitor's advocate Manish Parekh with Superintendent of Stamps Radhesham Mopalwar, who in turn lodged an FIR with MRA Marg Police Station. During investigation, three accused, including Telgi, were arrested and chargesheet was filed against them by the CBI. In all, 17 witnesses were examined during the trial, which concluded on December 26 last. Agencies

CASH-FOR-QUERY CASE REFERRED TO CONSTITUTION BENCH

SC notice to Speaker

Press Trust of India

NEW DELHI, Jan. 16— The Supreme Court today issued notices to the Lok Sabha Speaker and some others on a petition filed by former MP of the BSP Mr Raja Ram Pal, caught on camera in the cash-for-query scam, challenging his expulsion from the House.

The Bench headed by Chief Justice Mr YK Sabharwal also referred the matter to a Constitution Bench. The court also issued notice to Attorney General Mr Milton K Banerji seeking his assistance as the petition required interpretation of

the constitutional provisions. The bench, however, declined an interim relief to the expelled MP. He had preyed for restraining the Election Commission from announcing the poll schedule for the constituency that fell vacant due to his expulsion.

Meanwhile, a parliamentary probe panel constituted by the Lok Sabha Speaker Mr Somnath Chatterjee, today began investigations into a sting operation on corruption among MPs in MPLAD scheme. It decided to call the editor of the electronic channel on 25 January.

The verdict of the committee headed by Congress

MP Mr PK Bansal will be keenly watched as an earlier probe into the "cash-for-query" scam had resulted in the expulsion of as many as 10 Lok Sabha members. A similar probe in the Rajya Sabha saw one member being expelled.

At its first meeting today, the Bansal Inquiry Committee also decided to view the footage of the story, sources said.

The panel has been asked to submit its report by 31 January.

The meeting, chaired by Mr Bansal, was attended by Mr V K Malhotra (BJP), Mr Md Salim (CPI-M), Mr Devendra Prasad Yadav (RJD), Mr. K

Kuppuswamy (DMK), Mr Ram Gopal Yadav (SP) and Mr Prasanna Acharya (BJD).

In 'Operation Chakravayuh', the Star News had shown former Congress Chief Minister and Congress MP Mr Churchill Alemao, former Union minister Mr Fagan Singh Kulaste (BJP) and Mr Ramswaroop Koli (BJP), Mr Paras Nath Yadav (SP), Mr Sakshi Maharaj (Rashtriya Kranti Dal supported by SP), and Mr Isan Singh (BSP) involved in corruption in allotting work for the MPLAD (Member of Parliament Local Area Development) Scheme.

LA 226

THE STATESMAN

Agency owns up step leading to unfreezing of Q's accounts

CBI carries Bofors can

OUR BUREAU

New Delhi, Jan. 16: The Bofors scandal is living up to its history of mystery with the CBI today disclosing that the process which led to lifting the freeze on Otavio Quattrocchi's London accounts was started by it.

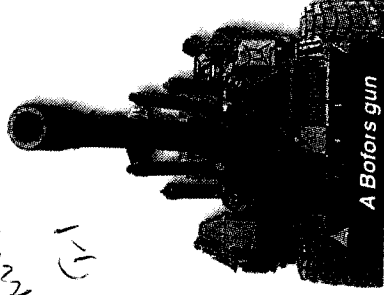
So far it had been thought that the law ministry was responsible.

"The decision to send additional solicitor-general B. Dutta to London was taken by the CBI in November last year and neither the law ministry nor the personnel department has anything to do with it," A.K. Majumdar, the agency's joint director, said.

In Guwahati, Prime Minister Manmohan Singh made a similar statement. "Actions relating to both freezing and unfreezing of these accounts have been taken at the level of the CBI in consultation with law officials according to established procedures."

Britain's Crown Prosecution Service (CPS) removed the freeze in place since 2003 on two Quattrocchi accounts in the Swiss bank BSI AG, holding over Rs 20 crore.

"Neither the freezing nor the unfreezing was done



A Bofors gun

under government orders," Singh said.

His government has never interfered with the CBI's functioning, added the Prime Minister, whose office is in charge of the department of personnel that, in turn, is the administrative authority for the CBI.

The CBI's admission was a volte-face of sorts as an impression had been created through reports quoting unnamed agency sources as saying it was not involved in any way in communicating to the British authorities that there was no evidence linking Quattrocchi's accounts to alleged kickbacks in the Rs 64-crore Bofors gun deal.

Coming after five days of

FUSILLADE, FROM ALL SIDES

Quattrocchi speaks

Denies charges, ready to face the CBI but in Italy. Says he is a victim of a campaign against the Gandhi family

Court strikes

SC asks the government to ensure cash from defroze accounts is not withdrawn

London clarifies

India will have to make a fresh request. It will not be easy this time

CBI opens up

We sent the law officer to London, says the CBI

PM seconds

Yes, the CBI did it, says PM

Congress squirms

Quattrocchi's reference to the Gandhi family upsets Congress

counts has already taken place, it should not be allowed to be withdrawn," the court said.

The CPS has said it ordered lifting of the freeze on January 11 and there is little reason to believe Quattrocchi has not already accessed the accounts.

Even if he has not, how the government or the CBI will persuade the CPS to reverse its order is not known, though Majumdar said London had been informed of the Supreme Court order.

The CBI joint director explained that the CPS had been communicating with the agency alone, and not the government. It had sought to know the consequences for the frozen Quattrocchi accounts of the Delhi High Court judgment quashing charges in the Bofors case, leading to the trip by Dutta.

Majumdar was asked if the agency had briefed Dutta to tell the CPS to unfreeze the accounts. "We only told him that so far there is no proof to link the money in Quattrocchi's London accounts with the Bofors payoffs," he replied.

He would not say if Dutta had exceeded his brief.

See Page 6

India's reputation if this case against me is brought to an end," he said.

Quattrocchi offered to be questioned by the CBI in Italy, citing the instances of the Hinduja and the late Vin Chaddha, fellow accused in the Bofors case.

While it is not yet known if Quattrocchi has already withdrawn money from the London accounts, the Supreme Court has sought steps to prevent him from doing so.

"Till further order we direct the Centre and (the) CBI to take necessary steps for maintenance of status quo on (the) accounts in question so that the defreezing of accounts does not take place.

If the defreezing of ac-

(the) interest of justice and

CAUTION ON QUATTROCCHI MONEY

BJP seeks PM ^{corruption} action

SNS & FTI 191

NEW DELHI, Jan. 15. — The BJP today asked the Prime Minister to ensure that the money in the two London bank accounts of Bofors case accused Ottavio Quattrocchi is not transferred following the go-ahead to defreeze his accounts. In a letter to Dr Manmohan Singh, the BJP general secretary, Mr Arun Jaitley, said: "The Centre's inaction would again directly help Quattrocchi."

The party today said it would raise the issue of the government's giving a "clean chit" to Quattrocchi in the Budget session of Parliament.

The BJP president, Mr Rajnath Singh, said here that: "We will take the issue to Parliament and also to the streets." He expressed "surprise" over reports that the Prime Minister was "unaware" of the happenings in the law ministry. Mr Jaitley said it was disturbingly surprising that the government, through additional solicitor-general Mr B Datta, should have volunteered to inform the Crown Prosecutor that the money in the two British accounts be paid to Quattrocchi after defreezing the accounts.

"In case, the CBI honestly believes that the additional solicitor-general

571
should not have made this concession, and you feel that this concession was made without your concurrence, the opinion given by the additional solicitor-general to the Crown Prosecution requires to be countermanded forthwith," Mr Jaitley said.

He alleged that the Italian businessman had "turned to his powerful political friends for help", and demanded action against Union law minister Mr HR Bhardwaj accusing him of interfering in criminal proceedings against Quattrocchi. Alleging that the information given by Mr Datta to the Crown Prosecutor about the money deposited in two British accounts "is an extraordinary concession", Mr Jaitley said questions on the credibility of the government and the "PM's role in the matter are being raised". "Had you authorised this concession to help Quattrocchi or were you kept in the dark," Mr Jaitley asked. "The CBI alone is authorised to deal with this case. The law ministry has no *locus standi* in the matter."

The London high court ordered the defreezing of Quattrocchi's accounts on 11 January, Crown Prosecution sources said. The two accounts were frozen in 2003 following a high court order.

16 JAN 2005

THE STATESMAN

CONGRESS ON THE DEFENSIVE

Opp keeps up Bofors heat

Statesman News Service

NEW DELHI, Jan. 13. — Reeling under a raging political storm set off by the government's recent bid to help the fugitive Italian businessman Ottavio Quattrocchi — among those accused in the multi-crore Bofors kick-backs scam — access his money frozen in two bank accounts in the UK, the ruling Congress today sought to distance itself from the Union law minister, Mr HR Bharadwaj, whose conduct had come in for criticism.

A defensive Congress refused to make any comments on whether it had endorsed the additional solicitor-general, Mr B Dutta's controversial visit to London last month to inform the UK's Crown Prosecution Service that there was no evidence in the Bofors case against Quattrocchi to warrant

CBI in a quandary

NEW DELHI, Jan. 13. — Notwithstanding the CBI claim that it is still looking for Italian businessman Ottavio Quattrocchi and that it will talk to his Swiss bank to trace the origin of his accounts in the UK, a representation made by the law ministry to the Crown Prosecution Service (CPS) has put the intelligence agency in a quandary vis-a-vis the fate of the Bofors case. "One can gauge it if senior government officials are making a plea in an international forum to de-freeze the bank accounts of the main person," said a senior CBI official. "It is an indirect admission that the government has no faith in the CBI. We never expected the law minister to take the alleged culprit's side," the official added. The CBI would do its best to trace Quattrocchi, he said. "But we also admit that it would be very difficult to undo what has been done by the law ministry," he added. — SNS

the continued freezing of his two bank accounts which contained Euros 3 million and \$1 million respectively. The CBI has said that these accounts could be linked with Bofors payoffs to Quattrocchi.

With both Left and right-of-centre political outfits united in their criticism, the JD(U) president, Mr George Fernandes, today

demanded that Mr Bharadwaj and Mr Dutta be dismissed.

Mr Fernandes said the Prime Minister must tell the nation whether he was aware that a law officer in his government was undermining the proceedings of courts and the autonomy of the CBI, or whether he endorsed misuse of government functionaries and agencies by Sonia Gandhi."

THE STATESMAN

14 JAN 2006

Bhardwaj defends opinion on Quattrocchi accounts

CBI maintains charge sheet stands in Delhi designated court ^{vbi} ^{Corruption} 10-1

Legal Correspondent

NEW DELHI: Union Law Minister H.R. Bhardwaj on Thursday defended the Government's opinion conveyed to the Crown Prosecution in the United Kingdom to de-freeze the two bank accounts in London of Italian businessman Ottavio Quattrocchi, accused in the Rs. 64-crore Bofors payoffs case

Speaking to a television channel, he said, "It was a temporary freeze, not a permanent freeze." Further, it was wrong to with-

hold someone's money in the absence of any evidence against him.

Mr. Bhardwaj said the British Government had frozen Mr. Quattrocchi's bank accounts on India's request three years ago. The Crown Prosecution and the British Government had over the past two years sought evidence against him.

The Indian Government had to give legal opinion in international matters and it did so in the Quattrocchi case as well. "We have conveyed to them the re-

cent rulings of the Delhi High Court, rejecting the case against the Hinduja brothers, as well as the status of investigation," said Mr. Bhardwaj.

Still wanted: CBI

The Central Bureau of Investigation (CBI) meanwhile maintained that the charge sheet still stood against Mr. Quattrocchi in the designated court here. "Mr. Quattrocchi is wanted by the CBI, and he is still a chargesheeted accused in the Bofors case. He has been charged with cheating

and criminal conspiracy and [under] the provisions of the Prevention of Corruption Act," a CBI spokesman said.

The Interpol Red Corner alert notice was still valid and the agency was making efforts to get him extradited. The trial court fixed the next hearing for March 31.

Well-placed sources in the agency, however, said there was no "substantial evidence" to connect the £2 million parked in Mr. Quattrocchi's bank accounts to the payoffs.

কুত্রোচ্চি নিয়ে কিছুটা বেকায়দায় কেন্দ্র, ফায়দা তুলতে চায় বিজেপি

নিজস্ব সংবাদদাতা, নয়াদিল্লি, ১২ জানুয়ারি: ১৯৮৯-এর লোকসভা নির্বাচনে প্রথম সেই কেলেকারির কামান কংগ্রেসের দিকে তাক করেছিল বিরোধীরা। প্রায় সতেরো বছর কেটে গিয়েছে, কিন্তু এখনও সমান শক্তিশালী বফর্স! এ বার সেই হাউইংজার কামান ফের কংগ্রেসের দিকে তাক করতে তৎপর হল বিজেপি।

কারণ? বফর্স ঘুষ মামলায় অন্যতম অভিযুক্ত ইতালীয় ব্যবসায়ী ওস্তাডিও কুত্রোচ্চির দু'টি ব্যাঙ্ক অ্যাকাউন্টের উপর থেকে নিষেধাজ্ঞা তুলে নেওয়ার কেন্দ্রীয় সরকারি সিদ্ধান্ত। গত ২২ ডিসেম্বরই সে কথা জানিয়েও দেওয়া হয়েছে ব্রিটিশ কর্তৃপক্ষকে।

ইন্টারপোলের রেড কর্নার নোটিস এখনও জারি রয়েছে কুত্রোচ্চির নামে। তার মধ্যে এই সিদ্ধান্ত। এই নিয়ে অরুণ জেটলি বলেছেন, তদন্ত চালাচ্ছে সিবিআই। অথচ এজিয়ার বহির্ভূত হওয়া সত্ত্বেও হঠাৎ কেন্দ্রীয় আইন মন্ত্রক কেন নিষেধাজ্ঞা তুলে নিতে বলল? সেটা কি প্রধানমন্ত্রীর নির্দেশে? না কি অন্য কেউ রয়েছেন এর নেপথ্যে? এবং এর পরে তাঁর দাবি, প্রধানমন্ত্রীই স্পষ্ট করুন, তিনি আইন মন্ত্রককে কুত্রোচ্চির অ্যাকাউন্ট থেকে নিষেধাজ্ঞা তোলার পরামর্শ দিয়েছেন কি না।

জবাবে কংগ্রেস আজ মুখ খোলেনি। তবে, এ দিন সকালেই কেন্দ্রীয় আইনমন্ত্রী হংসরাজ ভরদ্বাজ

'কুত্রোচ্চির বিরুদ্ধে কোনও প্রমাণ নেই' বলে বিবৃতি দেন। কিন্তু পরে সিবিআইয়ের তরফে বিবৃতি দিয়ে বলা হয়, ফৌজদারি মামলায় কুত্রোচ্চি এখনও অভিযুক্ত এবং ফেরার। স্পষ্টতই দুই বক্তব্যের মধ্যে ফারাক রয়েছে। এবং এর ফলে সরকারের পক্ষে পরিস্থিতি আরও একটু ঘোরালোই হয়েছে।

বস্ত্রত সংসদে প্রশ্ন ঘুষ-কাণ্ডের পরে দুর্নীতির ধাক্কায় কিছুটা কোণঠাসাই বিজেপি। এই অবস্থায় সরকার তথা কংগ্রেসের বিরুদ্ধে বফর্স নিয়ে ফের তোপ দাগার সুযোগ পেয়ে উজ্জীবিত তারা। এই ক্ষেত্রে তারা ইউপিএ শরিক দলগুলিকে পাশে পেতেও সক্রিয়।

এখন প্রশ্ন, গত সতেরো বছরে বফর্স কেলেকারি নিয়ে বিরোধীদের ধার কি একই আছে? দৃশ্যতই নয়। বিষয়টিকে অনেকটাই ভোঁতা করে দিয়েছে সময়। জর্জ ফার্নান্ডেজের মতো নেতাও একে পুরোপুরি প্রাসঙ্গিক রাখতে পারেননি।

'৮৯-এর নির্বাচনে সিপিএম বফর্স নিয়ে সরব ছিল। এখন তারাই সরকারের সমর্থক দল। দলের তরফ থেকে আজ এক বিবৃতিতে বলা হয়েছে, কুত্রোচ্চি প্রসঙ্গে সরকার এমন পদক্ষেপ নিল কেন, ব্যাখ্যা দিতে হবে। তবে রাজনৈতিক সূত্রের, বফর্স কাণ্ডে রাজীব গাঁধী জড়িত ছিলেন বলে সিপিএম নেতৃত্ব এখন আর মনে করেন না। তাঁদের বক্তব্য, ওই অস্ত্র চুক্তিতে কেউ

না কেউ দালালি পেয়েছিল। তা তদন্ত করে বার করতে হবে সরকারকে। এখানে কংগ্রেসের সঙ্গে সরাসরি কোনও বিরোধ নেই। সিবিআই-ও কিন্তু তদন্ত চালিয়ে যাওয়ার কথা বলার পাশাপাশি জানিয়ে দিয়েছে, কুত্রোচ্চির দু'টি অ্যাকাউন্টে রাখা তিরিশ লক্ষ ইউরো এবং দশ লক্ষ ডলারের সঙ্গে তারা ঘুষ-কাণ্ডের সম্পর্ক খুঁজে পায়নি।

এত কিছু পরে বিজেপি তাদের লক্ষ্যে কতটা সফল হবে, বলা মুশকিল। তবে তারা সহজে হাল ছাড়বে না। অরুণ জেটলি আজ বলেন, বফর্স কেলেকারি নিয়ে আরও তথ্য রয়েছে। একে একে সব বেরোবে। কুত্রোচ্চির সঙ্গে গাঁধী পরিবারের ঘনিষ্ঠতার প্রসঙ্গ নিয়েও আজ খোঁচাতে ছাডেনি বিজেপি। এর মধ্যে কুত্রোচ্চির অ্যাকাউন্ট থেকে যাতে নিষেধাজ্ঞা তোলা না-হয়, সেই আবেদন জানিয়ে সুপ্রিম কোর্টে মামলাও রুজু করা হয়েছে। গত ২০ ডিসেম্বরই দিল্লির চিফ মেট্রোপলিটান ম্যাজিস্ট্রেট কুত্রোচ্চির প্রত্যর্পণ-পরিস্থিতি সম্পর্কে সিবিআইয়ের কাছে জানতে চায়। ৩১ মার্চের মধ্যে স্ট্যাটাস রিপোর্ট জমা দিতেও বলা হয়েছে।

এ সব থেকে পরিষ্কার, আইনি জটিলতা যা-ই থাকুক না কেন, আগামী কয়েক দিন বফর্স নিয়ে বিরোধীরা উত্তপ্ত রাখবে রাজনৈতিক মহল। অরুণ জেটলি সেই ইস্তিতই দিয়ে রাখলেন।

Parliament shows the way forward

The determined way both Houses acted against the MPs involved in the cash-for-questions case has given rise to hope that something can be done to curb corruption in the country.

Neena Vyas

FOR DECADES, different episodes of the theatre of the absurd played out on the Indian stage — a scandal involving a top politician, news headlines, trial spread over years if not decades, and then acquittal — have been all too familiar. Whether it was the Bofors story or the Jain hawala case or the Centaur Hotel disinvestment case, the end has always been predictable: a lot of breast-beating, loud accusations, trial by the media, lengthy court battles, and then nothing. The drama played out in the fortnight preceding December 23 last year was, however, entirely different. It produced a result. Eleven MPs of three different political parties lost their membership of Parliament as both the Houses, separately, found them guilty of having accepted cash for asking questions in Parliament. And now there are demands that they should be barred from contesting elections.

On December 12 when a television news channel began showing the video that had caught the MPs in the act of accepting money and stuffing wads of notes in their pockets through a sting operation, the general perception was that this stuff was just entertainment, that nothing much would happen. However, Lok Sabha Speaker Somnath Chatterjee and Rajya Sabha Chairman Bhairoon Singh Shekhawat obtained the necessary political consensus to set up committees to make an assessment of the veracity of the allegations and submit reports within a timeframe. The reports in both the Houses recommended expulsion. And so it was on December 23 the two

Houses separately decided to throw the guilty MPs out.

Apparently, since then the Speaker has consulted many legal experts and they are all agreed that, under the Constitution, Parliament was competent to decide on expulsion and that its decision was final. Of course, some of the MPs have gone to court and the matter is expected to come up in the Delhi High Court on Monday. It remains to be seen what the courts do. Will they admit the MPs' petitions or will they dismiss them?

A gratifying aspect of the cash-for-questions scandal was that three of the four political parties whose MPs were caught decided to totally and unconditionally support the move for their expulsion from Parliament. The Congress (with one MP), the Rashtriya Janata Dal (also one MP), and the Bahujan Samaj Party (three MPs) were quick to suspend their members from their parties and support the move to throw them out of Parliament.

However, the Bharatiya Janata Party (six of its MPs were involved in the scandal) surprised even some of its own senior leaders when the then party president and the Leader of the Opposition, L.K. Advani, disassociated his party from the move towards expulsion and walked out of the Lok Sabha minutes before the voting on the expulsion resolution took place. What surprised everyone even more was that just a couple of hours earlier, the Leader of the Opposition in the Rajya Sabha, Jaswant Singh, made it clear that he would not want the House to be divided on an issue such as this. The BJP members in the Rajya Sabha stayed put in their seats when the House voted to expel

the lone Rajya Sabha member involved in the scandal.

Unlike what some may like to believe, corruption as an issue is not dead. The volume of mail received by the office of Mr. Somnath Chatterjee from people across the country lauding the step taken by him and by Parliament is an indication of what the average Indian thinks of the menace that has slowed down development, eroded the authority of democratic institutions and high office, and has even threatened democracy itself. It is common knowledge that the ticket for fighting elections is often auctioned; muscle men are paid handsomely to rig elections; and people are given money allures to indulge in bogus voting. Even electoral rolls are juggled.

The disinterest displayed by the people in corruption as a major political plank was more because nobody believed any party was willing to grapple with the all-pervasive problem that affects everyone from the street vendor, who has to pay a hefty *hafta* (weekly pay-off) to the police to the rich builder-contractor, who has to grease the palms of bureaucrats, politicians, and the police. The reason for people's cynicism was not difficult to understand. After all, corruption had helped the rich and the privileged become richer, whether it was the politicians themselves or the big business houses.

Thousands of crores of rupees were flowing each year from the pockets of the ordinary man in the street to the lockers and safe deposits of many of those who were already millionaires. Why would this privileged class help to curb or stop what was enriching them? The determined way in which Parlia-

ment acted, however, has helped to fuel hope that something can be done on this front.

A letter by Baikuntha Nath Senapati from village Bhubanapur in Puri, Orissa, (made available to this writer by the Speaker's office) thanks Mr. Chatterjee for "restoring the sanctity of Parliament." The Forum of Non-Governmental Organisations of Ahmednagar in Maharashtra wants criminal cases to be registered against the guilty MPs and steps taken to disqualify them from contesting elections again. A letter writer from Mumbai has pointed out that elected legislators pay scant regard to their main job of debating and passing bills. Thomas John, an 80-year-old man from Hyderabad, has lauded the Speaker but added that expulsion from Parliament was not adequate punishment. And from Patna a citizen has written complimenting the Speaker for his "bold action" in "removing the filthy characters" who "defiled Parliament."

Parliament has only just begun an exercise that would need tremendous grit and will to continue. The parliamentary committee's report on the misuse of the MP's Local Area Development Scheme is awaited. Political parties are not united on the issue of scrapping the scheme under which every MP is entitled to spend Rs.2 crore a year on development in his constituency. What needs to be done is more of what was done on December 23 last year. The Speaker of the Lok Sabha and the Chairman of the Rajya Sabha will do the country proud and provide a valuable service to the large majority of MPs who work selflessly to make this democracy work if they help clean the Augean Stables.

9/1
C
11