

**COMMITTEE TO INQUIRE INTO
ALLEGATIONS OF IMPROPER CONDUCT
ON THE PART OF SOME MEMBERS**

FOURTEENTH LOK SABHA

(Laid on the Table of Lok Sabha on 22 December,2005)

**LOK SABHA SECRETARIAT
NEW DELHI**

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**PERSONNEL OF THE COMMITTEE TO
INQUIRE INTO ALLEGATIONS OF
IMPROPER CONDUCT ON THE PART OF
SOME MEMBERS**

(14TH LOK SABHA)

...

Shri Pawan Kumar Bansal – Chairman

MEMBERS

2. Prof. Vijay Kumar Malhotra
3. Shri Mohammad Salim
4. Prof. Ram Gopal Yadav
5. Shri C. Kuppusami

SECRETARIAT

- | | | |
|----|-------------------------|---------------------|
| 1. | Shri P.D.T. Achary | - Secretary General |
| 2. | Shri V.K. Sharma | - Joint Secretary |
| 3. | Shri Ravindra Garimella | - Under Secretary |
| 4. | Shri Ashok Sajwan | - Under Secretary |

REPORT OF THE COMMITTEE TO INQUIRE INTO ALLEGATIONS OF IMPROPER CONDUCT ON THE PART OF SOME MEMBERS

I. Introduction and Procedure

I, the Chairman of the Committee to inquire into the allegations of improper conduct on the part of some members, having been authorised by the Committee to submit the Report on their behalf, present this Report to the House in the matter. The alleged improper conduct, as revealed in news bulletins telecast on 12 December, 2005 on Aaj Tak TV news channel, was acceptance of money by ten members of Lok Sabha for asking questions/raising other matters in the House.

2. The Committee held 8 sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 14 December, 2005 the Committee considered the matter.

4. At their second sitting held on 15 December, 2005 the Committee directed that Shri Aniruddha Bahal and Ms. Suhasini Raj of Cobrapost.com who conducted the said sting operation against the members may be asked to appear before the Committee for oral

evidence on 17 December, 2005. The Committee also decided to hear in person Sarvashri Narendra Kumar Kushawaha, Shri Annasaheb M.K. Patil and Manoj Kumar, MPs on 17 December, 2005. The Committee further decided to hear in person the remaining seven members on 18 December, 2005. The Committee also viewed the relevant video recordings obtained from the 'Aaj Tak' News Channel, in which the members were allegedly shown accepting money for raising Questions/other matters in the House.

5. At their third sitting held on 17 December, 2005 the Committee heard in person Shri Aniruddha Bahal, Shri Kumar Badal and Ms. Suhasini Raj of Cobrapost.com and Sarvashri Narendra Kumar Kushawaha, Shri Annasaheb M.K. Patil and Manoj Kumar, MPs.

6. At their fourth sitting held on 18 December, 2005 the Committee heard in person the remaining seven members *viz.* Sarvashri Y.G. Mahajan, Pradeep Gandhi, Suresh Chandel, Ramsevak Singh, Lal Chandra Kol, Rajaram Pal and Chandra Pratap Singh.

7. At their fifth sitting held on 19 December, 2005 the Committee deliberated upon the matter. The Committee also saw the

unedited raw video footage pertaining to some members provided to the Committee by Shri Aniruddha Bahal.

8. At their sixth sitting held at 11.00 hrs., on 20 December, 2005, the Committee further considered the matter and also viewed the CDs.

9. At their seventh sitting held at 17.00 hrs., on 20 December, 2005, the Committee considered the draft Report.

10. At their eighth sitting held at 11.00 hrs. on 21 December, 2005, the Committee adopted their draft Report and authorized the Chairman to present the same to the House. Prof. Vijay Kumar Malhotra gave a note of dissent. The Committee considered the note of dissent and felt that since the principles of natural justice had been followed by the Committee, no modification of the Report was necessary.

II. Facts of the Case

11. On 12 December, 2005, the 'Aaj Tak' TV News Channel in their news bulletin carried video footage showing some members of Parliament allegedly accepting money for tabling questions and raising other matters in the House.

12. On the same day, when the House met, the Speaker made the following observation:

“Hon. Members, certain very serious events have come to my notice as also of many other hon. Members. It will be looked into with all importance it deserves. I have already spoken to and discussed with all hon. Leaders of different Parties, including the hon. Leader of the Opposition, and all have agreed that the matter is extremely serious if proved to be correct. I shall certainly ask the hon. Members to explain what has happened. In the meantime, I am making a personal request to all of them ‘please do not attend the Session of the House until the matter is looked into and a decision is taken’... I have no manner of doubt that all sections of the House feel deeply concerned about it. I know that we should rise to the occasion and we should see that such an event does not occur ever in future and if anybody is guilty, he should be punished. Nobody would be spared. We shall certainly respond to it in a manner which behoves us. Thank you very much.”

13. A communication dated 12 December, 2005, was accordingly addressed to all the ten members by the Lok Sabha Secretariat requesting them to state what they might have to say with regard to the allegations made against them. They were also requested not to attend the sittings of the House till the matter was finally disposed of.

14. On the same day (12.12.2005) at 1810 hrs., Speaker made the following announcement:

“Hon. Members, my attention has been drawn to some serious allegations of improper conduct on the part of some hon. Members of Lok Sabha in the matter of submitting Questions for Answer by the Government. In view of the extreme gravity of the matter, I spoke to the hon. Leader of the House and the hon. Leader of the Opposition and I also discussed the matter with the Leaders of different Political Parties in Lok Sabha and all of them have unanimously agreed with the course of action I proposed to take. Accordingly, a mention was made by me in the House and I expressed concern at the same and requested the hon. Members concerned not to attend the House until further decision.

I have decided, which has been agreed to by the hon. Leaders, that all the concerned Members will be asked to submit their individual statements/explanations regarding the allegations made against them today on the TV Channel *Aaj Tak* before 10.30 a.m. on 14th December, 2005. The statements/explanations given by those Members will be placed before the Inquiry Committee consisting of the following hon. Members:

- (1) Shri Pawan Kumar Bansal (Chairman)
- (2) Prof. Vijay Kumar Malhotra
- (3) Md. Salim
- (4) Prof. Ram Gopal Yadav
- (5) Thiru C. Kuppusami

The Committee is requested to give its Report/s by 4 p.m. on 21st December, 2005. The Committee is authorised to follow its own procedure. The Report will be presented before the House for its consideration.

15. All the ten members submitted their individual statements/explanations in the matter.

16. On 16 & 17 December, 2005 all the ten members were supplied CDs of the video footage showing alleged improper conduct on their part.

III. Evidence

17. The Committee took evidence of Shri Aniruddha Bahal, Shri Kumar Badal and Ms. Suhasini Raj of the portal Cobrapost.com on 17 December, 2005. Shri Aniruddha Bahal of Cobrapost.com during his evidence before the Committee while handing over unedited copies of original video situations of Cobrapost.com team relevant transcripts etc., made the following submissions:-

“I have got two versions for you. As regards the first one, I requested Aaj Tak to give me unedited portion which they have telecast because the letter said wherever money transactions have happened. That is the phrase that was used. So, we have told them to give it. What they have done is, they have given those clips without the Aaj Tak commentary and since those clips have been audio and video enhanced, they would also be constituted as edited. So, I also told them to give the corresponding raw footage which is before that scene and after that scene. So, the sum total is, you have that footage which is sound and video enhanced and corresponding to it a little more is also unedited raw footage which I requested the Aaj Tak and they have provided it to me. I have brought those tapes with me.

The other thing is, I have brought the original tapes of money acceptance of whatever length the incident may be. There are about 20 to 25 tapes and the total footage pertains, as the clause says, to money acceptance. They are not the sum total of all the tapes but they are just money transactions. Each tape is a complete tape. You can see the whole incident. We have not picked up or chosen them. The time for us was short to give you separate cassettes. So, we have copied it in an external hard disc and basically, all the footage is there. You have to just plug it in your computer and see it. I will give you the list of it also.

Only, portions of these tapes have come into public domain. In those cases the transcript has been checked as rigorously and as humanly possible to avoid errors. If there is a discrepancy between the transcript and video, the video has to be relied upon. The transcripts are but an aid to view it accurately. Since the videos have been called for at such a short notice Cobra Post had not had time to revise the transcripts and is reserving its right to submit revisions if it feels the need to do so. The videos have been copied to an external hard disk on 100 GB Buffalo Portable 5400 HGG

RPM. The disc may be returned after copying the video to the hard disc. The Cobrapost may not be held responsible for any legal implication that may arise from any leakage of transcripts that Cobrapost itself has not disclosed on its website or which Aaj Tak has not telecast. The list of tapes is attached.”

18. As regards the genesis of the investigation, Shri Aniruddha Bahal stated “I think on 28 March I wrote an article for The Hindustan Times. In fact, I was requested by The Hindustan Times to write an article which basically pertains to under cover operation that was done by India TV called casting couch series....In my opinion, hidden cameras can be used on issues where there is high public interest. In my humble opinion, hidden camera technology should not be used for voyeuristic exercises....I want to suggest three or four ideas which according to me the India TV should follow. Amongst those ideas was this very idea which pertains to MPs taking money for asking Questions in Parliament....It was a question of privilege dated 23 March by a Dr. Sebastian Paul. I believe, he is an independent MP from Kerala. I was told to answer to certain lines that I had written in the column. Thereafter, I replied to that to the Hon’ble Speaker, Shri Somnath Chatterjee and said that

you cannot equate a story/idea with an actual story. I mean, if I had taken certain names then you could perhaps say that. But just a story/idea, which I am writing in a column, cannot be equated to an actual allegation. That was the last that I heard from the Parliament. But then, I thought, there was a little bit of fear that they will be calling me again..... Speakers have those powers....Thereafter, we started the investigation. Mr. Kumar played a role in the beginning and then obviously, Ms. Suhasini also played a stellar role as far as the investigation was concerned. All three of us started in April, 2005 and till December, 2005 we had completed the investigations. Subsequently, Aaj Tak got involved some time in the end of September or early October. We signed the contract with Aaj Tak because I need the television partner. I did not have the courage to do it alone. I mean, I have the courage but there were risks involved doing it alone..... There was no targeting at all. We cultivated middleman and a few middleman introduced us to the other middleman and those middleman used to take us to particular MPs. It was not as if we were looking at some particular MPs to target, that we want to go there or here. We were just going where the middleman were taking us.....It was in May, actually, that all those MPs were contacted. After all those MPs were contacted initially in May, then we waited till their questions to see whether the answers

came in the Monsoon Session. Then, subsequently, when the answers came in the Monsoon Session, we again entered the field and again went to those same MPs and put in fresh questions for the Winter Session....There were only 13 MPs in which money situations are there”.

19. On being asked how many members have been contacted Shri Aniruddha Bahal replied “When you say ‘contacted’, if you are saying situations where our team was sitting across and talking to the MPs, then there are 14 situations. Money situations were only 13. The 14th situation that I am talking about was one where middleman took money. We sat with the MP, talked to him but we did not give him money, we did not offer him money. Then the middleman would say: ‘You cannot offer money to the MP. You have to give it to me.’ So, we decided not to do that because it was not going to serve our purpose. It is because if we are taking it through a middleman, then, it is a contrary route. So, this is the situation.”

20. As regards the place where the members were contacted and money was offered and modus operandi of the operation, Shri Aniruddha Bahal stated “We gave them a choice because I was entering the field as Director of the so-called imaginary NISMA. They said they would come to the hotel and we said fine. So, I did

not want to take the risk. I was wearing a wig. I wanted to minimize the risk, to avoid going to the residence, if possible. Just to make it clear, initially, we generally went by two devices. One was a video device. The other one was a dicta device which was just an audio device, a normal dicta phone. In case the video did not work, we had a dicta device which had captured audio. There were numerous occasions in which the devices did not work. Somewhere, the video did not work. There was also a phone in which all Suhasini's phone calls, outgoing as well as incoming, have been recorded. So, there are more than 900 phone calls which have been recorded with middleman with different MPs which have not been utilised at all. They establish everything about a point-man's money, confirmation of money.”

21. On being enquired about money paid to each individual member Shri Aniruddha Bahal stated “The total amount of money paid to each individual MP is like this. We paid Shri Narendra Kumar Kushawaha Rs. 55,000. To Shri Annasaheb M.K. Patil, we paid Rs.45,000.”

Thereafter Ms. Suhasini Raj presented the following information:

“To Shri Narendra Kumar Kushawaha, we paid Rs.55,000, all directly. To Shri Annasaheb M.K. Patil, we paid Rs.45,000 in total – on 11 May, we paid Rs.25,000 through his middleman Harish; on 25 July, I again paid Rs.10,000 directly. On 11 October, I paid Rs.10,000 directly. To Shri Y.G. Mahajan, we paid a total of Rs.35,000. On 19 May, through Harish, we paid Rs.25,000; on 27 October, Rs.10,000 directly. Shri Manoj Kumar, the total amount paid is Rs.1,10,000. On 13 May we paid Rs. 25,000/- through his middlemen. On 21 May, Rs. 75,000/- his middleman and on 17 October, Rs. 10,000 directly to the MP. Shri Suresh Chandel : The total money paid to Shri Suresh Chandel is Rs. 30,000, both the times directly. First time Rs. 20,000 and next time Rs. 10,000. Shri Rajaram Pal : The money was paid directly but his PA was always there to actually take it in hand in the MP’s presence. So first time Rs. 25,000 and second time Rs. 10,000 were paid. Shri Lalchandra Kol : The total money paid is Rs. 35,000 and both the times directly. First time Rs. 25,000 on second time Rs. 10,000. Shri Pradeep Gandhi has been paid Rs. 55,000 in all. They were all paid directly. Rs. 25,000 on 4th May, and Rs. 10,000 on 5th October. On 8th November, twice in the same evening Rs. 10,000 plus Rs. 5,000. Rs.

5000 again on the morning of 9th November, Shri Chandra Pratap Singh has been given a total of Rs. 35,000 and all directly. Rs. 25,000 in the first meeting Rs. 10,000 in the second meeting. Shri Ram Sevak Singh has been given a total of Rs. 50,000. Rs. 25,000 on 25th May in front of the MP in a packet to his middleman. Rs. 10,000 to him directly on 7th October. On 10th November, Rs. 10,000 and Rs. 5,000 directly.

When enquired whether they established contacts with MP directly Shri Bahal replied in affirmative.

On being asked who the middleman were Shri Bahal stated, “They were Shri Harish Badola, Shri Chandrabhan Gupta, Shri M.K. Tripathi, Shri Mohan, Shri Dinesh Chandra, Shri Ravinder Kumar, Shri Vijay, Shri Sudip Mishra and Shri Ajay Singh.

On being enquired as to how many TV channels Cobrapost.com contacted Shri Bahal stated “...I approached two-three of my friends in channels. I approached Aaj Tak. I also approached Star TV and I also approached Rajdeep Sardesai because he was starting a new channel. But Rajdeep did not start and came back to me. They were all interested. But they said, ‘give us some

time'. Finally Aaj Tak said, 'we will do it'. So, I went with Aaj Tak. I went with whoever said yes first in that sense.

When asked who decided about timing of telecast Shri Aniruddha Bahal stated, "I think, Aaj Tak decided it. It is because though I handed all the original tapes, I kept them in a joint locker in custody with both of us. All the original tapes were handed over to them some time in the middle of November. From then Till December 12, the airing date, there was time taken in post-production. I mean, editing is not easy. You have to transcribe and so on and so forth. It takes time. But I was very insistent that the story should come while the Parliament is on. Even they were very keen that it should come when the Parliament is in Session. Earlier, the date was 7th or 8th but we were not ready. Subsequently it came on 12th. The timing had to do with the production being complete and the story being edited".

While denying that there was any entrapment of members, as alleged, Shri Aniruddha Bahal stated, "I strongly defend that there was no entrapment. Let me briefly define what constitutes entrapment in my mind and according to the US case law. It is that if you have prior knowledge of the intent of the person to commit an act- I would not use the word crime here- and then you go, then it is

not entrapment. In this case, each of the MPs knew that we were coming and for what we were coming because the middleman had already talked to them. We did not approach any MP in a fishing expedition...The middleman goes to them and tells them. Appointment is fixed and we land up.”

22. Shri Narendra Kumar Kushawaha, MP during his evidence before the Committee on 17 December, 2005 while denying the allegations stated “...this is against the pride and prestige of Parliament. What the Press and media people have done and the manner in which they have gone about it is a conspiracy to entrap simple and innocent people like me.... It is requested that this matter may be investigated into threadbare...At the outset I may be provided with the entire correspondence on record and audio and video CDs, transcripts thereof and details of telephone conversations. I may be provided three weeks’ time to have the entire material gone through and examined by my counsel and also obtain opinion of experts, if need be...”

On being asked about genuineness of video tapes, the member asserted that they were not genuine and alleged that they were doctored. When enquired whether he knew Shri Chandra Bhan Gupta who was named as middleman by Shri Aniruddha Bahal, the

member replied in affirmative and said that he was Private Secretary to another member and came to him occasionally. He admitted that Shri Gupta introduced Ms. Suhasini Raj to him.

When some of his reported conversations with Ms. Suhasini Raj involving money situations were read out to him from the transcripts, the member asserted that these were false.

Member denied having accepted money for raising questions in the House.

23. Shri Annasaheb M.K. Ptail, MP during his evidence before the Committee on 17 December, 2005 while alleging that the video tapes were doctored stated that “There is a very good scientific system of how things can be added and how they can be subtracted. This is a technology. This technology can be shown in studio and here also. Only some cost would be required. If you want to see the things, it can be added or subtracted. That can be there. He also alleged that tapes are selectively edited.” Regarding his footage which showed member asking Ms. Suhasini Raj ‘keep it below the seat’(referring to money), the member stated “ The sense was you keep the papers.” When his reported conversations with Ms. Suhasini Raj regarding money negotiations were read out from transcript, the member stated

that “the same were in the context of some developmental works and did not relate to raising of questions.”

The member finally stated that, “I want to submit that this operation is a mockery of Parliament and members of Parliament. I suspect a conspiracy in this.....I doubt whether the intention behind the operation is to expose corruption or make money... the entire matter needs to be investigated...”

24. Shri Manoj Kumar, MP during his evidence before the Committee on 17 March, 2005 at the outset denied the allegations levelled against him and stated “...Whatever is being shown on TV is not factual. Moreover in the entire footage neither I have been shown as accepting money nor demanding money.....”

On being asked as to how he came in contact with Ms. Suhasini Raj, the member stated that she was introduced to him by Shri Mani Tripathi (Chotiwalla) his private secretary.

The member further stated that he doubted the veracity of the video clippings. In this context he stated that “...In one visual he was shown as counting money. My submission is if I can take Rs. 10,000/-, why would my private secretary take an amount of one lac as has been shown in the video clipping... If they could show me

counting money they could have as well shown me taking money. The member alleged that the tapes have been selectively edited and once again contended that the tapes have been doctored...”

25. Shri Y.G. Mahajan, MP during his evidence before the Committee on 18 December, 2005 stated that, “I have not seen the CD sent by the Lok Sabha Secretariat as I do not have the necessary gadget. But whatever has appeared in the newspapers about me is a conspiracy against me under which I was trapped. Whatever allegations have been levelled against me are false and I deny them. I should take some legal advice and I need some time for that. I also want to say that the conspiracy under which I was allured should also be inquired into. This is all what I have to say.”

When asked by the Committee whether the voice in the tape/CD belongs to him, the member said, “yes it is my voice.”

When asked by the Committee that in the video which they have, he has been shown as having accepted the money and keeping the same in his pocket, the member replied, “ This is a video which has been tampered with. This is false. There was nothing like that. There was no money. All this was due to trick of modern technology. In my view everything has been morphed.”

26. Shri Pradeep Gandhi, MP during his evidence before the Committee on 18 December, 2005 stated that, “Before I start I had requested the Committee that I may be provided certified copies of unedited video and audio CDs along with transcripts and telephonic conversations held between the perpetrators of sting operation and him in the interest of fair play and principles of natural justice. The Committee has not given me the same. I want the entire incident to be inquired into as to what were their motives. The entire conversation held with me by the said Reporter has not been shown. Pieces of different clips have been assembled to defame me and tarnish my image. The aspects of money which have been shown in the video are totally in some other context but have been shown as if I am being offered money. I was talking about the problems of Small Scale Industries and hiring Consultants and making payment to them. The facts have been totally distorted and doctored.”

27. Shri Suresh Chandel, MP during his evidence before the Committee on 18 December, 2005 stated that he had requested for certified copies of video and audio CDs, transcript, documents and telephonic contacts of his case and other relevant documents of the case which have not been made available to him. He further stated

that, “ I have seen the video and I can say with cent percent surety that whatever conversation has been shown is not what had actually happened. It has been doctored and morphed. Whatever suited them and served their purpose has only been shown and that too after sanitizing it. I only spoke to them about Small Scale Industries”.

28. Shri Ramsevak Singh, MP during his evidence before the Committee on 18 December, 2005 stated that, “ whatever has been shown on TV and in the video is totally false and morphed and is an attempt to tarnish our image. I have not done anything which has been shown in the video. I request the Committee to inquire into all this. I also want that the Committee should provide me with the certified copies of the video and audio CDs, transcripts, documents and telephonic calls of my case and other relevant documents of the case. I further request that a lot of Parliament Questions have been sent to Lok Sabha Secretariat under my fake signatures which must also be inquired into.”

29. Shri Lal Chandra Kol, MP during his evidence before the Committee on 18 December, 2005 stated that, “whatever has been shown in the video is not true. Actually, the money which I have been shown accepting in the video is my money which I had given to one Shri Saligram Dubey, who is from my village, for buying

seeds. He was returning me that money which has been shown in the video in a distorted manner. I am absolutely innocent.”

Shri Lal Chandra Kol also requested that he may be provided with the certified copies of video and audio CDs, scripts, documents and telephonic contacts made by Cobrapost.com with him and other relevant documents of the case.

30. Shri Rajaram Pal, MP during his evidence before the Committee on 18 December, 2005 stated that, “ whatever has been shown on TV by the Cobrapost.com in ‘Operation Duryodhan’ I have seen that and the Committee might have also seen it and my role therein. Whatever has been shown may be false and fabricated but the evidence and proof which I will give, must be examined by the Committee. The entire country is perturbed by the manner in which these videos have been shown on TV by doctoring and morphing them. If such acts of media are not checked, then nobody can protect the dignity and prestige of Parliament. All the video tapes are false and fabricated. I have seen these tapes. Even my voice can be tampered and doctored by modern techniques. I have neither taken any money nor asked any Question in Lok Sabha in lieu thereof.”

Shri Raja Ram Pal further stated that he may be given certified copies of video and audio CDs, transcript and other related documents of his case so that he could get it investigated of his own.

31. Shri Chandra Pratap Singh, MP during his evidence before the Committee on 18 December, 2005 stated that on 12 and 13 December, 2005 when all this was shown on TV, he was ill and admitted in Dr. Ram Manohar Lohia Hospital, New Delhi. When he saw the CD provided by the Lok Sabha Secretariat he found that there is lot of editing and cutting in it.

When the Committee asked Shri Chandra Pratap Singh whether the said CD was fake, the member said “due to editing and cutting in the CD my entire version has not come. Prior to what has been shown, there is something more which has not come.”

When asked by the Committee whether it is true that as per the transcript, the said Reporter offered him Rs. 25,000/- and said as and when there will be work, he would be informed, Shri Chandra Pratap Singh said, “ they asked me to make agreement with them. I told them I will not make any agreement in this regard. If I find it worth I will put the questions (in Parliament). When I did not make the agreement then she took away the envelope.”

IV. Findings and Conclusions

32. The Committee viewed the VCDs comprising the relevant video footage aired on the 'Aaj Tak' TV Channel on 12 December, 2005, perused the transcripts thereof, considered the written statements submitted by each of the said ten members and their oral evidence and also the oral evidence of Shri Aniruddha Bahal, Kumar Badal and Ms. Suhasini Raj of Cobrapost.com who conducted the 'Operation Duryodhan'.

33. The Committee note that the concerned representatives of the Portal Cobrapost. Com namely Shri Aniruddha Bahal, Ms. Suhasini Raj and Shri Kumar Badal approached the members posing as representatives of a fictitious company, through a number of middlemen, some of whom were also working as Private Secretaries/ Personal Assistants of the members concerned. They requested the members to raise questions in Lok Sabha and offered them money as a consideration thereof. Money was accepted by the members directly and also through their Private Secretaries. They deposed on oath that in the money sequences shown on TV Channel Aaj Tak there was no misrepresentation. They have also given to

the Committee the raw footage covering the situation before and after the scene in question. While the Aaj Tak clippings have gone through video cleaning and sound enhancement, corresponding thereto are extended versions of unedited raw footage of the tapes to make it apparent that nothing had been misrepresented. Besides this Shri Aniruddha Bahal also submitted the “Original tapes of money acceptance of whatever length the incident it may be”. There are 20-25 tapes and the total footage pertains to money acceptance. Each tape is a complete tape showing the whole incident. In the course of her evidence Ms. Suhasini Raj has given the details of the money given to the MPs directly as also through the middlemen.

34. As against this evidence are the statements of all the said ten members. The Committee note that all the members have denied the allegations levelled against them. The common strain in their testimony is that the clippings are morphed, out of context and a result of ‘cut and paste’. The clippings of a few minutes, they averred, do not present full picture and they needed full tapes including the preceding and succeeding scenes to prove what they termed as the falsehood thereof. They claimed that the entire exercise was aimed to trap them and lower the prestige of the Parliament.

35. The Committee have given serious consideration to the requests made by the said members for being provided the full footage of video recordings, all the audio tapes and their request for extension of time and being allowed to be represented through their counsels.

In this context the Committee would like to bring it on record that all the ten members while deposing before the Committee were asked whether they would like to view the relevant video footage so that they could point out the discrepancies therein if, any. All the members, refused to view the relevant video footage. The Committee, therefore, feel that the requests by the members for unedited and entire video footage would only lead to delaying the consideration of the matter and serve no useful purpose.

36. The Committee having given in-depth consideration to the evidence and statements of the representatives of Cobraost.com and the members, are of the view that the evidence against the members is incriminating. The Committee note that the Cobrapost.com representatives gave their statement on oath and would be aware of the consequences of making any false or incorrect statement. They have also supplied the unedited copies of original video situations where money changed hands. Transcripts of the said videos have also been supplied. Had the Cobrapost.com been reluctant in

supplying the original unedited video tapes there could have been scope for some adverse inference about the authenticity of the “money sequences” as telecast by Aaj Tak. But that is not so.

37. The Committee are also of the view that the plea put forth by the said ten members that the video footages are doctored/morphed/edited has no merit. If the members had accepted the offer of the Committee to view the relevant footage and pointed out the interpolated portions in the tape, there would have been justification for allowing their plea for more time for examining the whole tapes. Having seen the unedited raw footage of the Cobrapost.com pertaining to some of the members, the Committee have no valid reason to doubt the authenticity of the video footages.

38. In view of the totality of the facts and circumstances of the case, the Committee are of the opinion that the allegations of accepting money by the said ten members have been established. The Committee further note that it is difficult to escape the conclusion that accepting money had a direct connection with the work in Parliament.

39. The Committee feel that such conduct of the said members was unbecoming of members of Parliament and also unethical. The Committee are, therefore, of the view that their conduct calls for strict action.

40. The Committee feel that stern action also needs to be taken against the middlemen, touts and persons masquerading as Private Secretaries of members since they are primarily responsible for inducing members to indulge in such activities.

41. The Committee note that in the case of misconduct or contempts committed by its members, the House can impose these punishments: admonition, reprimand, withdrawal from the House, suspension from the service of the House, imprisonment, and expulsion from the House.

V. OBSERVATIONS

42. The Committee feel that credibility of a democratic institution like Parliament and impeccable integrity of its members are imperative for the success of any democracy. In order to maintain the highest traditions in parliamentary life, members of Parliament are expected to observe a certain standard of conduct, both inside the House as well as outside it. It is well recognised that conduct of members should not be contrary to the Rules or derogatory to the

dignity of the House or in any way inconsistent with the standards which Parliament is entitled to expect of its members.

43. The Committee wish to emphasise that ensuring probity and standards in public life is *sine qua non* for carrying credibility with the public apart from its own intrinsic importance. The waning confidence of the people in their elected representatives can be restored through prompt action alone. Continuous fight against corruption is necessary for preserving the dignity of the country. The beginning has to be made with holders of high public offices as the system is, and ought to be, based on morality. When the Committee say so, they are also aware of and wish to put on record that a large number of leaders spend their life time in self-less service to the public.

44. The Committee find it pertinent to note the following observations made by the Committee of Privileges of Eleventh Lok Sabha in their Report on ‘Ethics, Standards in Public Life, Privileges, Facilities to members and related matters’:

“Voicing the constituents’ concerns on the floor of the House is the primary parliamentary duty of an elected representative. Any attempt to influence members by improper means in their parliamentary conduct is a breach of privilege. Thus, offering to a member a bribe or payment to influence him in his conduct as a member, or any fee or reward in connection with the promotion of or opposition to, any Bill, resolution, matter or things submitted or intended to be submitted to the House or any

Committee thereof, should be treated as a breach of Code of Conduct. Further, any offer of money, whether for payment to an association to which a member belongs or to a charity, conditional on the member taking up a case or bringing it to a successful conclusion, is objectionable. Offer of money or other advantage to a member in order to induce him to take up an issue with a Minister may also constitute a breach of Code. Similarly, acceptance of inducements and gratification by members for putting questions in the House or for promotion of or opposition to any Bill, resolution or matters submitted to the House or any Committee thereof involves the privileges and contempt proceedings.

The privilege implications apart, the Committee is constrained to observe that such attempts and acts are basically unethical in nature.”

45. The Committee are, therefore, deeply distressed over acceptance of money by members for raising parliamentary questions in the House, because it is by such actions that the credibility of Parliament as an institution and a pillar of our democracy is eroded.

46. The Committee note that of late there has been an increase in media’s interest in matters pertaining to misconduct in public life. In this context the Committee would like to endorse the following views expressed in the First Report of the Committee of the House of Commons (UK) on Standards in Public Life under the Chairmanship of Lord Nolan:

“A free press using fair techniques of investigative journalism is an indispensable asset to our democracy. We would prefer more acknowledgement from the media that the overwhelming majority of public servants work hard and have high standards. We would prefer more recognition of the value of our democratic mechanisms and the dangers of undermining them.But we do not hold the media in any way to blame for exposing genuine wrongdoing. They have a duty to enquire – coupled with a duty to do so responsibly – and in that way can contribute to the preservation of standards in public life.”

47. In this context the Committee note that in 1951, an *ad hoc* Committee of the House was appointed by the Provisional Parliament to investigate the conduct and activities of a member, Shri H.G. Mudgal, in connection with some of his dealings with a Bombay Bullion Association, which included canvassing support and making propaganda in Parliament on certain problems on behalf of that association, in return for alleged financial and other business advantage. The Committee in their Report held that the conduct of Shri H.G. Mudgal was derogatory to the dignity of the House and inconsistent with the standards which Parliament was entitled to

expect of its members. The Committee recommended expulsion of the member from the House. However, before the Report could be adopted by the House, Shri Mudgal submitted his conditional resignation from the membership of the House. Thereafter, the House adopted a motion resolving that his resignation constituted a contempt of the House as it only aggravated his offence. The House, thereafter, adopted a motion expelling Shri Mudgal from the membership of the House.

48. The Committee feel that it would be appropriate to note the following observations made by Pandit Jawahar Lal Nehru, India's first Prime Minister while speaking on the motion for expulsion of Shri H. D. Mudgal on 24 September, 1951:-

“The question arises whether in the present case this should be done or something else. I do submit that it is perfectly clear that this case is not even a case which-might be called a marginal case, where people may have two opinions about it, where one may have doubts if a certain course suggested is much too severe. The case if I may say so, is as bad as it could well be. If we consider even such a case as a marginal case or as one where perhaps a certain amount of laxity might be shown, I think it will be unfortunate from a variety of points

of view, more especially because, this being the first case of its kind coming up before the House, if the House does not express its will in such matters in clear, unambiguous and forceful terms, then doubts may very well arise in the public mind as to whether the House is very definite about such matters or not. Therefore I do submit that it has become a duty for us and an obligation to be clear, precise and definite. The facts are clear and precise and the decision should also be clear and precise and unambiguous. And I submit the decision of the House should be, after accepting the finding of this report, to resolve that the Member should be expelled from the House.”

49. The Committee are reminded here of Pandit Nehru’s “Tryst with Destiny” speech. Inherent in his clarion call was the reiteration of Mahatma Gandhi’s mission to spiritualise politics and build an edifice of a strong India ---- with bricks of that edifice baked in the fire of probity.

50. The Committee are also reminded of the Resolution that was unanimously adopted on 1st September, 1997 during the Golden Jubilee Commemorative session of Lok Sabha :

“Continuous proactive efforts be launched for ensuring greater transparency, probity and accountability in public

life so that the freedom, authority and dignity of the Parliament and other legislative bodies are ensured and enhanced....”.

51. The Committee consider this as a defining moment in the life of Parliament. As already noted by the Committee more than half a century ago, on a resolution moved by Pandit Nehru in 1951 the Provisional Parliament had expressed its outright abhorrence of any member accepting money in return for advocating some cause in Parliament. In this context, it would be apt to recall T.S. Eliot :

*“Time present and time past
Are both present in the Time future
And Time future contained in the Time past”*

VI. RECOMMENDATION

52. In view of the foregoing discussion, the Committee feel that howsoever harsh it may sound, the continuance of these members as members of Lok Sabha will be untenable.

53. The Committee accordingly recommend that the House may consider the expulsion of the following ten members from the membership of the Fourteenth Lok Sabha :-

1. Shri Narendra Kumar Kushawaha
2. Shri Annasaheb M.K. Patil

3. Shri Manoj Kumar
4. Shri Y.G. Mahajan
5. Shri Pradeep Gandhi
6. Shri Suresh Chandel
7. Shri Ramsevak Singh
8. Shri Lal Chandra Kol
9. Shri Rajaram Pal
10. Shri Chandra Pratap Singh

NEW DELHI
21 December,2005

PAWAN KUMAR BANSAL
CHAIRMAN,COMMITTEE

**NOTE OF DISSENT BY
PROF. VIJAY KUMAR MALHOTRA,MP**

...

I cannot possibly concur in the course being recommended by majority of my colleagues in the Committee. My understanding of the procedure established by law is as follows:

- 1. No member of the House can be expelled except for the breach of privileges of the House.**
- 2. The matter must, therefore, be dealt with according to the rules of Privileges Committee.**
- 3. So, the matter must be referred to the Privileges Committee on a motion moved in the House, or the Committee adopt the rules of Privileges Committee.**
- 4. In the Privileges Committee the tainted members will have a right of cross examination, arguments, defence etc., which is necessary for Natural Justice.**

I will not like to become a party to create a precedent by which a member can be expelled from the House without proper procedure being adopted.