



A. RAJA, M.P.

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Date: 22.02.2013

Respected Madam Speaker,

Vanakkam.

I have come to know that in the deliberations of the Joint Parliamentary Committee on Allocation and Pricing of Telecom Licenses and Spectrum from 1998 to 2009 ("JPC"), some of the Hon'ble Members have expressed their desire that I should be called upon to depose before it. For the reasons set out in this letter, I respectfully submit that I am willing and indeed anxious to appear before the JPC, which may kindly be directed to summon me as soon as possible.

It is well known that I was holding the office of Minister of Communication & Information Technology from 16.05.2007 to 14.11.2010. The Department of Telecommunications ("DoT") issued about 122 Unified Access Service ("UAS") Licenses in 2008, followed by allocation of 2G spectrum to the licensees. This issuance of licenses and allocation of spectrum has been the subject matter of consideration by the Comptroller & Auditor General of India ("CAG"), the Hon'ble Supreme Court of India, the Central Bureau of Investigation ("CBI") and other law enforcement agencies.

It is perhaps unprecedented that an issue has attracted the simultaneous attention of so many agencies. Unfortunately however, the truth of the matter is being suppressed on the basis of preconceived notions, deliberate bias, faulty investigation and erroneous conclusions, aided by a media intent on sensationalism.

Perhaps the most telling example of this situation is the judgement of the Hon'ble Supreme Court dated 02.02.2012, where specific and prejudicial observations were made against me without giving me a hearing. Unfortunately, the review petition and curative petition filed by me against the judgement have not been entertained. While I have the fullest respect for the Hon'ble Court, the fact remains that I have been condemned unheard. The judgement also contains findings that are demonstrably contrary to the facts and documents on record.

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Similarly, the CAG Report is also replete with errors and has adopted a position contrary to the policy of the Cabinet, of Parliament, and of TRAI. I recall that on the very day that I demitted office, my interview in The Hindu appeared where I had said, *"What we have here is a difference of opinion between one constitutional functionary, the CAG, and other constitutional functionaries, the Union Cabinet and Parliament. The CAG appears to disagree with the Cabinet, Parliament and the Telecom Regulatory Authority of India (TRAI) - a statutory body - as well as the Planning Commission. In my opinion, these institutional aberrations must be resolved either by the judiciary or by the parliamentary mechanism."* The role of the JPC in arriving at this fundamental resolution cannot be overstated.

From media reports, it appears that senior officers of the DoT and other ministries, as well as the Ld. Attorney General for India, have deposed before the Committee. However, unfortunately, their deposition, as reported in the media, also appears to be contrary to the facts of the case and intended to be an exercise in blame-shifting. It is vital that the JPC not be misguided by false and incomplete evidence. It is obvious that I would be best placed to explain the policy and rationale of the Government behind the issuance of UAS licenses and grant of spectrum, as well as the sequence of events and the role of various individuals and institutions.

Madam, I recall the words of Justice V.R. Krishna Iyer when he said that "Parliament is a grand inquest of the nation, the great auditor and ombudsman of the executive, the final arbiter, policy monitor and destiny decider of the people", and therefore, I beg to bring a very few shocking facts qua the observation of the CAG and consequential order of the Supreme Court before this AUGUST parliament for proper appraisal and resolution.

In the judgement of the Supreme Court, it is mentioned interalia that *"the scarce natural resources SPARED by the army has been grabbed by those who enjoy money power and who have been able to manipulate the system"*. On the contrary oral and documentary evidence/testimony in the trial court reveals that no spectrum was ever spared or vacated by the Defence during my tenure; and only internal assessment and the co-ordination of spectrum was done by the DOT to locate the unused spectrum thus bringing the unused spectrum for usage by Telecom Operators on revenue sharing basis with the Government. In fact, the real exchequer loss was the non-utilization of spectrum for years which was knowingly kept in the coffers for reasons best known to those who dealt with it prior to my term as MOCIT.

Similarly the Supreme Court judgement observed *"to say the least the entire approach adopted by TRAI was lopsided and contrary to the decision taken by the Counsel of Ministers and its recommendations became a handle of the then MOCIT and the officers of the DOT who virtually gifted away the important natural asset at throw away prices"*. As against this observation the reaction of the government in the Presidential reference and the testimony of the officers of DOT clearly reveal that the mandate of the Cabinet decision was that the spectrum should not be auctioned and has to be allotted on the basis of the revenue share to increase teledensity in the country.

It is heart wrenching to refer to the observation of the Supreme Court on recommendation of TRAI 2007 where in it interalia observes that "If they (officers) had not done so they would have incurred the wrath of MOCIT". This unilateral observation made by the Supreme Court on presumptions and predilections has been brushed aside by one witness after the other, before the trial court and it has now been clearly established that I (the then MOCIT) did not have any say in the approval of TRAI Recommendations of August 2007 by the Telecom Commission.

These are some of the glaring examples where the report of the CAG and the observations of the Hon'ble Supreme Court based on the CAG report have clearly travelled beyond the fact, policies and legal tenets.. I submit that I can add many more similar instances where the constitutional functionaries have departed from their expected duties and the responsibilities entrusted by the people of this great nation. In nutshell, there is a wide gulf between the observations of the CAG as well the Hon'ble Supreme Court and the facts based on documentary evidence. I consider it my duty to place the full facts of this case before the JPC, and also that the JPC is obliged to let me do so.

As is well known, this matter is pending before the Ld. Special Judge CBI, Patiala House Court, New Delhi in CC No. 1 of 2011 wherein I have been facing trial as an accused. It may well be the position that some issues – such the allegation of illegal gratification or quid pro quo – may be beyond the remit of the JPC and within the exclusive jurisdiction of the Ld. Special Judge. The JPC is however fully entitled to go into all other issues of policy and procedure.

In the background of the above, I humbly request that I may be called as a witness to the JPC to tender my evidence, which will definitely bring the Nation closer to uncovering the truth hidden under the lies propogated through the Media. I trust that you will also consider it your bounden duty to allow me to do so.

Yours sincerely,

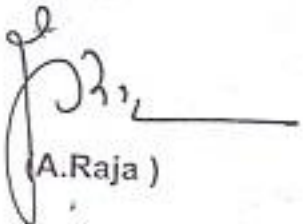
(Sd -)

(A. Raja)

To

The Hon'ble speaker
Lok sabha

CC: Hon'ble Chairman, JPC


(A.Raja)