



RAJEEV CHANDRASEKHAR
MEMBER OF PARLIAMENT
RAJYA SABHA

Member of Standing Committee on Information Technology
Member of Consultative Committee on Finance
Member of Parliamentary Forum on Youth
Co-Chairman, Vigilance & Monitoring Committee, Bangalore Urban District

Dear Shri Sebal

24 August, 2011

Thank you very much for your letter DO No. 10/12/2011-Restg. dated 06 August, 2011. I have noted its contents.

My comments are as below:

General Comments

1. As a Member of Parliament, and more importantly, as a member of the Parliamentary Standing Committee on IT, you would respect that I am duty bound to question decisions of the Government and statements made by Ministers such as yourself, and point out inaccuracies, contradictions and any other attempts which may lead to some suboptimal policy consequences. Failing to do so would be abdication of my duty. I have and will continue to keep such a vigil on the working of MoCIT, TRAI and all related institutions.
2. My letter does not make any allegations whatsoever. It places statements on facts quoting chapter and verse from your public announcements / press releases, and compares them with specific written text and content from letters and recommendations of TRAI. The fact that it throws up contradictions is indeed a worrying sign, but does not constitute an allegation, as you have attempted to put it. I stand by every single word written in my letter. I also notice that you have not responded to any substantive point raised in my letter. My previous letter offered you an opportunity to reconsider your stance, and given the lack of a meaningful response, I will leave that opportunity with you yet again. You certainly need to review the manner in which you are responding to detailed notes, letters and research presented by me and your peers in the Parliament. You will agree that any Minister owes these letters an explanation, rather than a brief (5-line) rebuff which you chose to write in your previous communication of 24 June, 2011.



3. I thank you for responding within two days of my letter. This also strengthens my belief in the need to place detailed facts in front of you, since my previous letter dated 28 January, 2011 undeservedly received a brief 5-line response after a delay of almost five months in which you chose to hide more and reveal less.
4. Unlike general stakeholders, including in the telecommunications sector, kindly be advised that communication on the subject of telecom emerging from me is subject to detailed research and scrutiny and a test of fitness for accuracy. I can and will defend every single line written to you or any other official in the DoT. You are aware that I had comprehensively rebutted every single claim made by you in your five-part presentation on 07 January, 2011 in an attempt to propagate the 'zero loss' theory in the 2G spectrum scam. A copy of my presentation in this regard was also sent to you. I am yet to hear a word in reply, especially as I have stated in no uncertain terms that your claim was wrong and certainly unsubstantiated. As the Hon'ble Minister of Telecommunications whose public presentation has been refuted line-by-line, you owe it to your stakeholders to either withdraw your presentation or prove that what I had contended was wrong. Leaving it uncontested is a sign of weakness, and not magnanimity, especially since you have a formidable reputation of leaving nothing uncontested.

Specific Comments

1. Apart from the fact that you have refused to respond to any single statement made in my letter dated 04 August, 2011, I believe that your claim that the DoT had no intention to withhold documents could be seen as an attempt to make a virtue of your own mistakes.

Your initial claim (in your letter dated 24 June, 2011) was that it would not be appropriate for the DoT to make TRAI letters public. While I have contested that, it is unclear why you should be given credit for making TRAI letters public as a part of the report presented by Justice Shivraj V. Patil, but then it suddenly becomes inappropriate when a Member of Parliament asks for it. How does the same letter become appropriate for placing in public domain by you in February 2011, but not in June 2011? Moreover, if the letter was in the public domain (by the time you wrote your reply), and if you knew about it, then you were duty bound to either attach those letters or point me to the fact that they are on the website. Unfortunately, you did no such thing. This could be interpreted as an attempt to hide those letters since they contradict every single statement that has been made in attempts to protect the former MoCIT / DoT repeatedly through press conferences and



press interviews. Those letters mean in no uncertain terms the foundation of your argument which is to blame the TRAI for not recommending auctions, rather than accepting the fact that the former MoCIT, Shri A. Raja (as the TRAI letter of 19.10.2007 points out) was violating the TRAI Recommendations, and by consequence, the TRAI Act, with impunity.

2. You further refuse to refer to the fact that the CVC (which ordered the CBI FIR), the CBI (which registered the FIR in October 2009), CAG (2G Spectrum Scam Report of November 2010), the Hon'ble Supreme Court (through its Order of 16.12.2010), the PAC (in its two reports), and the CBI (again, in its Charge Sheet of 02.04.2011) has comprehensively rejected your arguments about 'zero loss' from the 2G spectrum scam; blaming TRAI for not recommending auctions; and the fact that Shri Raja followed the First Come, First Served policy of his predecessors. You choose to ignore every single evidence, report and charge sheet in hand, but for some reason are hopeful of the JPC giving a finding that would be at odds. Surely, there is something that you know about the JPC that we don't! It would have been admirable to see you repose the same faith in some of the other constitutional bodies mentioned above as you hope to in the upcoming JPC Report in whose finality it seems you have great faith.

I am also thankful to you for allowing me the liberty to reach my own conclusions just based on the evidence above.

May I end by suggesting that your letter continues to be deeply patronizing. I am however hopeful that you will find the time to respond in a meaningful manner to my comprehensive rebuttal to your 'zero loss' press release / presentation of 07.01.2011 and all the points made in my letter of 04 August, 2011 - which remain untouched till date.

Yours Sincerely,

RAJEEV CHANDRASEKHAR

Shri Kapil Sibal

Hon'ble Minister of Communications & IT
Government of India
New Delhi