

## **PRESS RELEASE**

June 15, 2015

### **Randeep Singh Surjewala, Incharge Communications, AICC has issued the following statement to the Press today:-**

“Incontrovertible facts, documents and details of ‘**Modi Gate Scandal**’ emerging since yesterday clearly reflect active complicity of not only the External Affairs Minister, Smt. Sushma Swaraj but also point towards BJP Government aiding and abetting a fugitive of Indian law with tacit approval of Prime Minister, Shri Narendra Modi. Shri Lalit Modi, who is squarely involved in a havala, betting, match-fixing and money-laundering racket amounting to nearly Rs.700 crore, was directly in touch with Smt. Sushma Swaraj, who admits to her acquaintance with him as also of speaking to him on phone on a number of occasions. External Affairs Minister, Smt. Sushma Swaraj overturned/overruled existing government communications to a foreign country. These communications of previous UPA Government not only denied travel documents to Shri Lalit Modi but also sought his arrest to hold him accountable to Indian law – so that black money laundered by him could be brought back to the country.

For a Prime Minister, who single handedly runs the Foreign Ministry with the External Affairs Minister playing a second fiddle, Shri Narendra Modi’s complicity in providing favours to a legally established offender and absconder – Lalit Modi, is nothing but open to negative interpretation. Lalit Modi not only had a direct association as also client-counsel relationship with Smt. Swaraj’s family but also appears to have a long standing relationship with Prime Minister, Shri Narendra Modi and BJP President, Shri Amit Shah, as facts available in public domain establish. (Please see attached photographs of Modi-Shah-Modi).

Shockingly, it is unheard of that Foreign Minister of a country calls up Envoy of a foreign Nation as also Head of Foreign Parliament’s ‘Common Home Affairs Select Committee’ to seek favour for a criminal. It is also unprecedented that written communications establish quid pro quo in the past between the said criminal and the External Affairs Minister. It is also deeply stunning that External Affairs Minister’s family appears as a counsel in the court for the criminal while External Affairs Minister goes out of the way to ensure release of travel documents by a foreign country to the said criminal. It is also deeply painful to note that while recommending case of a criminal to a foreign country, External Affairs Minister overrules standing written communications of Union of India to not grant such travel documents to the criminal that may lead to spoiling the relationship inter se the two countries. Entire episode smacks of gross impropriety, moral compromise and gross misconduct in the discharge of duties as External Affairs Minister.

Would any reasonable person believe that all these actions were being taken by the External Affairs Minister without direct complicity and approval of Prime Minister? More so, when Prime Minister is known to keep tabs even over the dinners and attires worn by his Ministers, no sane person would believe that External Affairs Minister, Smt. Sushma Swaraj was acting at her own behest and not with the express approval of the Prime Minister.

Even the belated lame duck defence given by External Affairs Minister, Home Minister and BJP President is nullified and falls flat on the facts and documents available on record.

### **Additional Facts**

(i) Admittedly, Shri Lalit Modi was a fugitive of Indian law and was being sought for violations of Foreign Exchange Management Act (FEMA), Money-Laundering Act and other offences by Enforcement Directorate (ED) as also Income Tax authorities. In this regard, following may be perused:-

- (a) 02.08.2010 Notice issued by ED under Section 13 of FEMA and Section 32 of CPC to Shri Lalit Modi for investigation.
- (b) 24.08.2010 Notice issued by ED under Section 13 of FEMA and Section 32 of CPC to Shri Lalit Modi for investigation.
- (c) 16.09.2010 Complaint filed under Section 16(3) of FEMA before Deputy Director, Enforcement, Mumbai for contravention of provisions of Section 37 of FEMA read with Section 13(1) of the Income Tax Act.
- (d) 20.09.2010 ED issued another summon to Shri Lalit Modi.
- (e) 01.10.2010 Notice issued by ED under Section 13 of FEMA and Section 32 of CPC to Shri Lalit Modi for investigation.
- (f) 24.11.2010 Notice issued by ED under Section 13 of FEMA and Section 32 of CPC to Shri Lalit Modi for investigation.
- (g) 22.08.2012 Complaint under Section 16(3) of FEMA filed before Special Director of Enforcement, Mumbai.
- (h) 23.08.2012 Show Cause Notice issued by ED to Shri Lalit Modi.

(Please see all the aforementioned ED Notices being sent as a separate file with the press-release)

- (ii) 16.05.2014 BJP Government headed by Shri Narendra Modi comes to power in India. Smt. Sushma Swaraj is inducted as External Affairs Minister.
- (iii) 26.06.2014 Shri Keith Vaz, Chairman, Home Affairs Committee, House of Commons, UK writes to Ms Sarah Rapson, Director of UK Visas and Immigration Department asking for travel documents to be issued to Shri Lalit Modi for two reasons:- (a) a family wedding abroad; and (b) accompanying his wife to undergo cancer treatment.

(Please see Sunday Times London Report dated 7<sup>th</sup> June, 2015 sent as an annexure).

- (iv) 02.07.2014 Shri Keith Vaz then follows up case of Shri Lalit Modi with Ms Lisa Killham, a senior Home Office Official. He cites the following two reasons for issue of travel documents to Shri Lalit Modi:- (a) wedding of his sister; and (b) meeting with President of Seychelles. (Please see Sunday Times London Report dated 7<sup>th</sup> June, 2015).
- (v) 03.07.2014 Ms Lisa Killham writes back to Shri Keith Vaz stating that case of Shri Lalit Modi is a complex one. (Please see Sunday Times London Report dated 7<sup>th</sup> June, 2015).
- (vi) 03.07.2014 Shri Lalit Modi's counsels are told that his certificate of travel application has been rejected. (Please see Sunday Times London Report dated 7<sup>th</sup> June, 2015).
- (vii) 30.07.2014 Shri Lalit Modi writes to a number of persons including to Shri Keith Vaz qua his travel documents. Two important facts stand out in the e-mail. These are:- (a) Government of India has given a push in writing to the case of Shri Lalit Modi; (b) Some one in Government of India is working to find a solution; and (c) He wants to travel first to Malta and then to Portugal. (Please refer to the e-mail attached as an annexure).
- (viii) 31.07.2014 Shri Keith Vaz again writes e-mail at 5.28 PM to Ms Sarah Rapson asking for grant of travel documents to Shri Lalit Modi on the plea that Smt. Sushma Swaraj had spoken to him with a clear no objection from GOI to a travel document being granted to Shri Lalit Modi and, therefore, negating the contention of earlier refusal of travel application of Shri Lalit Modi. (Please see e-mail exchanged between Smt. Sushma Swaraj-Lalit Modi attached as an annexure).
- (ix) 01.08.2014 Ms Sarah Rapson writes e-mail at 6.33 PM i.e. to Shri Keith Vaz and informs him about clearance of travel documents of Shri Lalit Modi i.e. within 18 hours.

**11 More questions that Prime Minister, Shri Narendra Modi; Smt. Sushma Swaraj and BJP must answer:-**

Yesterday, Indian National Congress asked the Prime Minister to answer 11 questions to people of India relating to '**Modi Gate Scandal**'. Government as also BJP chose to evade them completely. In light of documents and facts now available on record, Indian National Congress calls upon the Prime Minister to answer 11 more questions to people of India:-

1. What is the relationship between Shri Narendra Modi, Shri Amit Shah and Shri Lalit Modi?

2. Admittedly, UPA Government through its then Finance Minister, Shri P. Chidambaram wrote two letters to Chancellor of Exchequer, Shri George Osborne asking him for action against Lalit Modi besides following it up with a personal meeting between India's Finance Minister and Chancellor of Exchequer, UK in June, 2013. E-mail dated 31st July, 2014 from Shri Keith Vaz, Labour MP and Chairman, Home Affairs Committee, House of Commons reflects that Foreign Affairs Minister, Smt. Sushma Swaraj had overruled the objections given earlier by Government of India. (Please refer to e-mail trails of Sushma Swaraj-Lalit Modi attached herewith.

Could External Affairs Minister, Smt. Sushma Swaraj withdraw the written communications of Government of India written through the then Finance Minister without prior consent of the present Finance Minister and Prime Minister, Shri Narendra Modi leading to grant of travel documents to Lalit Modi? Is tacit approval of the Prime Minister not writ large?

3. Why did External Affairs Minister, Smt. Sushma Swaraj facilitate travel of a fugitive of Indian law from a foreign country i.e. UK to another foreign country as also his return without insisting on a conditionality that post his visit to Portugal, accused Lalit Modi will submit himself before Indian authorities? Why did she facilitate return of such an Indian fugitive to a country where he had taken shelter after escaping from India?
4. Smt. Sushma Swaraj is now explaining her conduct of facilitating visa for Lalit Modi on 'humanitarian grounds'.

Why did the External Affairs Minister then not direct the Indian Embassy in UK to give an Indian travel document to the Indian citizen i.e. Lalit Modi for traveling one way from UK to Portugal with another set of temporary travel document ensuring his return from Portugal to India to face the law? Was this done only with a view to conceal the entire deal from Indian authorities? Was this done to oust the jurisdiction of Indian courts and Indian authorities? What is humanitarian about facilitating return of a fugitive to his hide out rather than to his native country to face the consequences of his criminal conduct?

5. Admittedly, absconding to avoid service of summons or other proceedings before a public servant (Section 172 of IPC), preventing service of summons or other proceedings before a public servant (Section 173 of IPC), non-attendance in obedience to an order from a public servant (Section 174 of IPC), refusing to answer public servant authorized to question (Section 179 of IPC) are offences punishable with imprisonment under Indian Penal Code. Section 107 of IPC further provides punishment for abetment or aiding by any act or illegal omission of doing of a particular thing.

By facilitating Shri Lalit Modi to escape the blue-corner notice and prosecution in pursuance of the summons issued by ED and Income Tax authorities, has Smt.

Sushma Swaraj not abetted a crime and is consequently liable to be punished under Sections 107, 172, 173, 174 etc. of Indian Penal Code?

6. Is it not a fact that there is a clear-cut case of 'conflict of interest' made out vis-à-vis External Affairs Minister, Smt. Sushma Swaraj? Is it not a fact that her daughter Ms Bansuri Swaraj was appearing in passport cancellation matters of Shri Lalit Modi both before the Single Bench and Division Bench of the High Court as is apparent from the two judgments dated 16.01.2013 and 27.08.2014 (copies attached)? Is it not a fact that at the same time, Smt. Sushma Swaraj was helping the accused securing travel documents from a foreign country as is apparent from e-mail of Shri Keith Vaz dated as also admitted by her? Is it not a fact that on grant of travel documents by UK, accused Shri Lalit Modi thanked husband and daughter of Smt. Sushma Swaraj? Is 'conflict of interest', thus, not writ large?
7. One of the principal explanations given by Smt. Sushma Swaraj yesterday for helping Shri Lalit Modi was the fact that Shri Lalit Modi had to give consent for surgery of his wife in Portugal.

Documents reveal that this explanation is a patent lie. Patient's right in Portugal (copy of document attached) reflects that only patient had the right to decide to take or refuse treatment as per exiting law in Portugal. A written consent is not required in Portugal at all.

Why was Smt. Sushma Swaraj then facilitating travel documents for a criminal like Lalit Modi?

8. Smt. Sushma Swaraj has explained that she was facilitating travel documents for Shri Lalit Modi for treatment of his wife.

Shri Keith Vaz, on the other hand, (see copy of Sunday Times London dated 7<sup>th</sup> June, 2015) has stated that travel documents were required for attending a marriage and treatment of wife. At another place he has stated that documents were required by Lalit Modi for marriage of his sister and meeting President of Seychelles.

Which one of these contradictory versions is really correct? Is it not apparent that Smt. Sushma Swaraj and Shri Keith Vaz were trying to help secure travel documents for Shri Lalit Modi for conflicting reasons?

9. Single Bench of the High Court of Delhi dismissed the case for release of passport of Lalit Modi vide judgment dated 16.01.2013. A Division Bench vide judgment dated 27.08.2014 released the passport. Why did Government of India not challenge the order of Division Bench of High Court releasing passport to Shri Lalit Modi in the higher court i.e. Supreme Court? Was it done purely with a view to help a fugitive of law, Shri Lalit Modi?

10. Is it not a fact (as is apparent from additional facts) that travel application of Lalit Modi was rejected by UK Government? Is it also not a fact that travel documents were released only on account of intervention made by Smt. Sushma Swaraj guaranteeing that relationship between India and UK would not be spoiled? Why did Smt. Sushma Swaraj give these undertaking on behalf of Government of India and what was the reason for the same?
11. What is the current stand of Finance Ministry as also Enforcement and Income Tax authorities on the status of Shri Lalit Modi as a criminal, an absconder and a money-lauderer? Will the Finance Ministry make an appropriate statement?"

**Randeep Singh Surjewala**