

12.19 hrs.

PRESENTATION OF PAC REPORT RELATING TO
SHORT LEVY OF CUSTOMS DUTY

Sardar Buta Singh (Jalore) : Sir, with your permission, I wish to lay item No. 4 - Report on the short levy of customs due to incorrect classification of ...*(Interruptions)*

श्री मोहन रावले (मुम्बई दक्षिण मध्य) : अध्यक्ष महोदय, समिति के सात सदस्यों ने इसका विरोध किया था। $\hat{\text{E}}$! (व्यवधान)

MR. SPEAKER: Is this item existing? Only three items are listed here.

...(*Interruptions*)

MR. SPEAKER: Why are you agitated? He has only asked permission to lay item No. 4.

...(*Interruptions*)

MR. SPEAKER: This is not listed here.

...(*Interruptions*)

SARDAR BUTA SINGH : Sir, I have authenticated the Report duly adopted by the Committee. Therefore, I am laying it. ...*(Interruptions)*

MR. SPEAKER: I am not taking it on record. I cannot take it because it is not listed here.

...(*Interruptions*)

श्री मोहन रावले : अध्यक्ष महोदय, ऐसे कैसे हो सकता है? $\hat{\text{E}}$! (व्यवधान)

समिति के सात सदस्यों ने इसका विरोध किया था तथा चार सदस्यों ने इस पर अपनी सहमति दी थी। $\hat{\text{E}}$! (व्यवधान)

अध्यक्ष महोदय : जब मैं पूछूँगा तब आप बोलिये। मैंने तो आपसे कुछ पूछा ही नहीं है।

...(व्यवधान)

MR. SPEAKER: Please let me know what Sardar Buta Singh has to say.

SARDAR BUTA SINGH : Sir, I have authenticated it. ...*(Interruptions)*

MR. SPEAKER: Now, you cannot put that item because it is not listed.

...(*Interruptions*)

SARDAR BUTA SINGH : Sir, these Reports were adopted by the full Public Accounts Committee on the 30th of January, 2004. Sir, the Report was adopted. Well, at the end, some hon. Members made a Statement. ...*(Interruptions)* He had some ideas. He wanted those ideas to be included.

I asked the Secretariat to take those points and include them in the report. They were subsequently included and then the report was authenticated by the Chairman as per the rules and procedure of the House. Now, Sir, I do not find a mention here. Therefore, I thought I would make it possible to take this report. It has been duly adopted by the full Public Accounts Committee. There is no question of anybody questioning its authenticity now in the House.

SHRI RUPCHAND PAL (HOOGLY): I have a point of order.

MR. SPEAKER: What is your point of order?

...(व्यवधान)

स्वास्थ्य और परिवार कल्याण मंत्री तथा संसदीय कार्य मंत्री (श्रीमती सुमा स्वराज) : अध्यक्ष जी, यह रख नहीं सकते। $\hat{\text{E}}$! (व्यवधान)

अध्यक्ष महोदय : मैंने रखने के लिए नहीं कहा है।

MR. SPEAKER: I want to listen to the point of order.

SHRI RUPCHAND PAL : My point of order is that, as per the rule book, the report was authenticated by the Chairman after being adopted by the Committee. ...(*Interruptions*)

MR. SPEAKER: What is the rule number? Please tell me the rule number.

SHRI RUPCHAND PAL : It is rule 376. ...(*Interruptions*) Rule 279 relates to the statement. ...(*Interruptions*) I am coming to that. Sir, in the List of Business, we do not find mention of presentation of this report which was unanimously adopted. ...(*Interruptions*) Otherwise, there could have been note of dissent. There is no note of dissent. I was present there. In the presence of all the Members, it was adopted. It was authenticated by the Chairman. How is it that it was not included?

SHRI ANIL BASU (ARAMBAGH): Sir, the rule permits it. â€‘ (*Interruptions*)

SHRI RUPCHAND PAL : It cannot be freed. The offender cannot be exonerated in such a manner.

MR. SPEAKER: May I read rule No.376(1)? Will you please read the rule? The rule is different from what you are saying.

SHRI RUPCHAND PAL : Rule is 279. Rule 376 is the rule relating to the point of order.

"279 (2) In presenting the report the Chairman or, in his absence, the member presenting the report shall, if he makes any remarks, --he has made a remark-confine himself to a brief statement of fact, but there shall be no debate on that statement at this stage. "

What I want to say is that I have been present in the meeting. It was unanimous. This is for the record of the House.

SHRI V. DHANANJAYA KUMAR (MANGALORE): How can it be presented?

SHRI RUPCHAND PAL : This is something unprecedented. It never happened. There are so many hon. Members who have been associated with so many Committees. I have been a Member of this Public Accounts Committee and other Committees for decades. ...(*Interruptions*)

MR. SPEAKER: I must listen to the arguments. Please sit down.

SHRI RUPCHAND PAL : I also feel that it is a unanimously adopted report and it relates to a very sensitive subject. There is an escape of levy of Rs.22 crore by a person. He had misused. ...(*Interruptions*)

MR. SPEAKER: You can talk only on this rule as to why it is not being listed.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI HARIN PATHAK): It has not been listed in the List of Business. There are only three items which have been listed. The hon. Member has said that it is listed, but it is not listed in the List of Business. â€‘ (*Interruptions*)

SHRI RUPCHAND PAL : Sir, this is a very important matter. How can it be while the report was unanimously adopted? ...(*Interruptions*) It was sent to the Lok Sabha. You will find that it is excluded.

SHRI HARIN PATHAK: There are three items which have already been listed.

SHRI RUPCHAND PAL : On the same day, in the same meeting another report was adopted. That is item number one. ...(*Interruptions*)

MR. SPEAKER: I have not permitted you. When I permit, you can speak. But you do not get agitated. You can put your point of view when I ask you to do so.

SHRI RUPCHAND PAL : Why has it not been accepted? That is my first question because on the same day, two reports had been adopted. One is mentioned as number one, that is, the Sixty-first Report relating to the non-realisation of foreign exchange. On the same day, in the same meeting another report was unanimously adopted. It was also authenticated by the Chairman and sent along with this Report to the Lok Sabha Secretariat. One has not been included in the List of Business. Sir, how can it take place? How can it happen? On the same day, in the same meeting two unanimously adopted Reports had been sent to the Lok Sabha Secretariat. One was excluded and only one was taken into account. How?

SHRI SOMNATH CHATTERJEE (BOLPUR): Why?...(*Interruptions*)

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Sir, I want to raise a point.

MR. SPEAKER: Is it on the same point of order?

SHRI PAWAN KUMAR BANSAL : It is a little different, but on the same point of order.

MR. SPEAKER: If it is on the same point, you can guide the Chair.

SHRI PAWAN KUMAR BANSAL : Sir, the first submission that I have to make is that when the Committee decides and a report is prepared, it becomes the bounden duty of the Chairman to present the report to the House.

Had Sardar Buta Singh not presented this report on the last day of the House here, he would have committed a folly, a breach of duty. As the Chairman, he has to present the report. Therefore, that is the first thing.

In this context, I would first read rule 277.

"(1) Where the House has not fixed any time for the presentation of a report by a Committee the report shall be presented within one month of the date on which reference to the Committee was made:

Provided that the House may at any time, on a motion being made-subsequently---direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final. "

श्री हरिन पाठक : पहले लिस्ट तो कराइए। (व्यवधान)

श्री पवन कुमार बंसल : मंत्री जी, मुझे पढ़ने दीजिए। मैं जानता हूं आप क्या हैं। मुझे मालूम है। कृपा करके आपको भी इतना मालूम होना चाहिए कि जब सदस्य बोल रहे हैं और आपसे ताल्लुक नहीं है और आपके मंत्रालय से उसका ताल्लुक नहीं है तो आप बैठ जाइए। (व्यवधान) Will you kindly permit me? Would you please ask the Minister to sit down?

MR. SPEAKER: I am requesting the Minister not to interfere. If you want to make an argument on this point of order, you can do so later on.

...(*Interruptions*)

MR. SPEAKER: I have only permitted Shri Pawan Kumar Bansal to speak. You can go ahead.

...(*Interruptions*)

MR. SPEAKER: Shri Harin Pathak, please sit down.

SHRI PAWAN KUMAR BANSAL : What has happened to him? पता नहीं उनको आज क्या हो गया है?

Rule 277 (3) says:

"The report of the Committee shall be signed by the Chairman on behalf of the Committee:

Provided that in case the Chairman is absent or is not readily available the Committee shall choose another member to sign the report on behalf of the Committee."

The responsibility extends to that level that even if the Chairman is not present and if the Committee had deliberated upon the matter and discussed it, somebody else has to be chosen to present the report. The House cannot be deprived of the report for the simple reason that till the time the report is presented to the House, we do not have access to it. We want to know as to what the Committee has discussed. If the Committee has come to a conclusion, it is the right of the House, and through the House the right of the people and the country to know as to what has happened. For that transparency, this report is needed.

In this context, I would also like to read one more rule, that is, rule 261.

"All questions at any sitting of a Committee shall be determined by a majority of votes of the members present and voting."

Here we are told and the hon. Chairman of the Committee has said that the report was unanimous. You have to believe it. I am going a step further that even if it is not, even if it has not been adopted by a majority of the

Members, the other Members, who do not agree with the report, cannot stall the proceedings, cannot prevent the Chairman from laying the report on the Table of the House. It is not only his responsibility but it is his duty, which you have to ask the hon. Chairman to present the report. I request you to kindly even direct him. Since he has presented it already, I would urge you with all humility that you may kindly accept the report because not accepting the report, not permitting the Chairman to lay the report on the Table of the House would be dereliction of duty on our part.

SHRI KIRIT SOMAIYA (MUMBAI NORTH EAST) Sir, first of all, I would like to place the facts correctly. Whoever persons who are trying to argue may be the Members of the Committee and they are making the statement that the report was unanimous. Let me make the facts clear. Hon. Member, Shri Rupchand Pal, who attended the meeting, left the meeting after the discussion just started. He just stated I support the report as it is. He said, "I want to go and I want to attend the House."

SHRI PAWAN KUMAR BANSAL : I have a point of order. ...(*Interruptions*)

MR. SPEAKER: He is speaking on a point of order.

...(*Interruptions*)

SHRI KIRIT SOMAIYA How is he concerned? I want to clarify the facts. He said that the report was unanimous. So, he is blaming me. ...(*Interruptions*)

SHRI PAWAN KUMAR BANSAL : I am sorry. Sir, as the custodian of the rules of the House, you have the responsibility to safeguard the rules. ...(*Interruptions*)

MR. SPEAKER: Please keep silence. I am going to listen to the Members. I am giving the opportunity.

...(*Interruptions*)

SHRI PAWAN KUMAR BANSAL : I do not know whether Shri Kirit Somaiya is a Member of the Committee. If he is not a Member, then there is no alternative. If he is a Member, he cannot speak in the House. ...(*Interruptions*)

DR. VIJAY KUMAR MALHOTRA (SOUTH DELHI): Sir, there could be a privilege issue on this. ...(*Interruptions*) वहाँ पर 14 में से चार सदस्य थे। (व्यवधान)

SHRI PAWAN KUMAR BANSAL : Let them bring a Resolution. ...(*Interruptions*)

श्री किरीट सोमैया : यहाँ पर एक इम्प्रैशन क्रिएट करने का सम्मानित सदस्यों ने प्रयत्न किया कि यह रिपोर्ट युनेनिमस थी। जो सात सदस्य थे, जिन्होंने इसमें करेक्शन करने के लिए कहा था, जिन्होंने एडीशन करने के लिए भी कहा था, उनके ऊपर सरासर अन्याय होगा। इट वाज सैवन वर्सेज दू सात सदस्यों ने कहा कि यह रिपोर्ट फार फ्रोम दि फैक्ट है इसलिए उन्होंने करेक्शन सजेस्ट किए। पैराग्राफ में एडिशन किया जाए और उन्होंने डेढ़ पेज एडीशन किए। खाली दो सदस्यों ने वह सब किया था। हमें पता था कि इस प्रकार की बात होने वाली है इसलिए सात सदस्यों ने आपको लिखित में दिया है कि खाली दो सदस्यों के द्वारा ही रिपोर्ट एडाप्ट हुई है और वे इसे पेश कर रहे हैं। यह सात बनाम दो है। खाली एक सदस्य कहता है कि यह रिपोर्ट ऐसे पेश होनी चाहिए। करेक्शन क्या हुए और क्या वे सजेशन एडाप्ट हुए।

SHRI PAWAN KUMAR BANSAL : Mr. Speaker, Sir, it is an established practice that the proceedings of the Committees are not discussed in the House. If Shri Kirit Somaiya is a Member of the Public Accounts Committee, this is a serious violation. ...(*Interruptions*) We do not discuss in the House what transpires in the Committee. ...(*Interruptions*)

The Chairman of the Committee has the responsibility of presenting the Report. ...(*Interruptions*) I would like to speak again on this point.

MR. SPEAKER: You can speak again but only after Shri Kirit Somaiya completes his submission.

...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, I may also be allowed to speak after that. ...(*Interruptions*)

SHRI PAWAN KUMAR BANSAL : They are making allegations against the Chairman. They have to be held accountable. ...(*Interruptions*)

श्री किरीट सोमैया : यह सात बनाम दो है। मैं आपको कहना चाहता हूं कि उस कमेटी में मैं था, लेकिन जो सदस्य उपस्थित नहीं थे। हम सात लोगों ने कहा कि यह रिपोर्ट गलत है, हम रिजेक्ट करते हैं इसलिए वह रिपोर्ट पी.ए.सी. ने रिजेक्ट की है। इट वाज सैवन वर्सेज दू सात सदस्यों ने कहा कि यह रिपोर्ट गलत है, करेक्ट करनी चाहिए और यह हम रिजेक्ट कर रहे हैं। खाली दो सदस्यों ने कहा कि नहीं we support this Report. So, how can this Report be

presented?

MR. SPEAKER: I have not got it presented. Let me make it clear for the information of the House, the Report is not presented. I have stopped its presentation.

...(Interruptions)

श्री किरीट सोमेया : सात सदस्यों ने आपको लिखित में दिया है।

SHRI RUPCHAND PAL : Sir, it was unanimously agreed in the meeting itself. ...*(Interruptions)*

श्री किरीट सोमेया : ये सदन के पटल का दुरुपयोग कर रहे हैं और देश की जनता को गुमराह करने का प्रयत्न कर रहे हैं। ये गलत रिपोर्ट पेश कर रहे हैं।

श्री पवन कुमार बंसल : जो मीटिंग में हुआ, क्या हम यहां उसका उल्लेख करना शुरू कर देंगे, इस पर आप अपनी रूलिंग दें, नहीं तो आगे से यह नई परम्परा शुरू हो जाएगी। क्या हम यह नई परम्परा डालकर यहां से जाएंगे? *(व्यवधान)* They are breaking new ground. ...*(Interruptions)*

MR. SPEAKER: One after another, I will dispose of the points of order. On this point of order also, I will give a ruling.

...(Interruptions)

MR. SPEAKER: Shri Priya Ranjan Dasmunsi is also a Member of the Committee. He is also permitted to make his submission.

SHRI PRIYA RANJAN DASMUNSI : Mr. Speaker, Sir, today is the last day of this Session. We are all grateful to you for the way you have conducted the House. Today, at the fag end, I would not like to create any acrimony. I would like to submit to you with all humility that Reports of all Committees appointed by you are normally placed in the House. *(Interruptions)*

SHRI KIRIT SOMAIYA : Sir, it should not be abused. In the name of democratic rights, they are abusing it. ...*(Interruptions)*

MR. SPEAKER: Let him speak. He has every right.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI : Sir, what did I say? Did I say something unparliamentary? ...*(Interruptions)*

The standing practice of all the Committees appointed by you - be it a Standing Committee or an institutional Committee like the Public Accounts Committee or the Committee on Public Undertakings - is that the Reports are made available to the hon. Speaker either in a unanimous form or as Reports with dissent notes or as Reports with recorded objections. That is the practice. ...*(Interruptions)*

Several hon. Members of the Public Accounts Committee met you and I was also present in that meeting. So far as the matters raised are concerned, I would not like to name anybody. I had the privilege of joining the full Committee deliberations in Mumbai on this matter where the officers of the Customs Collectorate and other revenue officials. *(Interruptions)*

SHRI KIRIT SOMAIYA : Sir, all these things cannot go on record. He is talking about what the Committee has deliberated and what the Customs Collector has said. ...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : I did not say what they said.

MR. SPEAKER: Shri Kirit Somaiya, why do you get agitated? Let him make his submission.

SHRI PRIYA RANJAN DASMUNSI : We recorded all the evidence of the officials. Based on that, as every Committee does, we prepared a Report. ...*(Interruptions)*

One hon. Member may have strong and valid objections to the Report. He can argue and put in a dissent or objection. I was also present there but I got a bad news and so I had to immediately leave the meeting of the Committee. I endorsed the full Committee's Report because I took the evidence as an Alternate Convener. After that, the Report was prepared. If my distinguished colleagues from any side of the House had any reservation, they should have politely given a dissent note to the Secretariat on the day of the meeting saying, "We dissent on this paragraph, on this language, on this word." ...*(Interruptions)*

But not doing anything in the Committee and coming after giving some letters, it devalues the institution and it devalues the system. That is my submission. ...*(Interruptions)*

SHRI KIRIT SOMAIYA : When the deliberations took place in the meeting, seven Members said 'this paragraph'" because the report was being discussed. It was a draft report and the report shows paragraphs. Seven Members said that it should be rejected and then six paragraphs are to be adopted. Then, two Members only said that 'we do not support'". *(Interruptions)* So, there is no question of a dissent note. ...*(Interruptions)* The corrected report was to be presented and that report which was a draft report was to be rejected. It was seven *versus* two. ...*(Interruptions)*

SHRI PAWAN KUMAR BANSAL : Sir, please give your ruling in the matter. ...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : It is very unfortunate that with regard to deliberations before a Committee or the report of a Committee, such disputes will occur. This is a very important institution. The system of Committees is an integral part of the House itself. It is really an extension of the House. It is the Committee of the House itself. It has no other independent existence.

Now, this is the second time I find the hon. Member feels disturbed about the filing of a report. There are some well-established procedures; otherwise no Committee can function. Whether one likes it or not, whether one is a part of the majority or not, whether one has serious observations or not, there are methods of expressing that reservation. If the Chairman of a Committee or the Chairmen of Committees are being described in this manner where serious allegations have been alleged, then it will be very difficult in future. It will be difficult to conduct the deliberations of a Committee as a Chairman.

Sir, many of us have had a great opportunity and great pleasure of presiding over several Committees. It maybe that during the deliberations, we have a different opinion. But, ultimately, Chairman""s authentication has to have some meaning. ...*(Interruptions)* Otherwise, there will be anything and everything and a challenge can be thrown on the floor of the House. If everything is nullified as to what happened in a Committee and the Chairman""s signature becomes an irrelevant matter, then I do not know how any Chairman with any self-respect can function.

Therefore, my appeal to you is, if my hon. friend did not have an opportunity to file a minute of dissent, he can ask for an opportunity. If that is permissible - according to me not-you can permit him. But if the Chairman says that 'I have authenticated the report'", for which there is evidence, then how can it be determined here on the floor of the House or by voting will it be decided? ...*(Interruptions)* It has to be on the basis of the report which comes to you from the Chairman. The report is so important here. Let not the Chairman be devalued in the way as it is being attempted.

My request to you is that Chairman has authenticated it. If they have any objection, let it be recorded here.

...*(Interruptions)* My appeal to you is to maintain the traditions of this House and the Committee. ...*(Interruptions)*

स्वास्थ्य और परिवार कल्याण मंत्री तथा संसदीय कार्य मंत्री (श्रीमती सुमा स्वराज) : अध्यक्ष जी, अभी विपक्ष के काफी वरिठ सांसद बोले। उन्होंने इस्टेबलिश प्रोसिजर सिस्टम के बारे में कहा और बैठते-बैठते माननीय सोमनाथ जी ने परम्पराओं की बात की। अध्यक्ष जी, मैं बहुत अदब से कहना चाहूँगी कि आप इस सदन को इस्टेबलिश प्रोसिजर सिस्टम के माध्यम से ही चलाते हैं। आप तो सामान्यतः नियमों में ढील भी नहीं देते हैं और ठीक रूल बुक के आधार पर आप सदन को चलाते हैं। यहां जो बात माननीय पवन बंसल जी ने रखी, उसमें कुछ तथ्य उन्होंने रखे। वे स्वयं कमेटी के मैम्बर नहीं हैं। इसलिए या तो ये तथ्य उन्होंने माननीय चेयरमैन साहब से जाने या कहीं और से जानकारी हासिल की है। दो तथ्य हैं। आपने कहा कि यह रिपोर्ट यूनैनिमस्ली एडॉप्ट हुई है। *ठीक!* (व्यवधान)

श्री पवन कुमार बंसल : मैंने कहा कि दो चीजें हो सकती हैं। यूनैनिमस्ली if not unanimously by majority. मैंने तथ्य नहीं कहा। *ठीक!* (व्यवधान)

श्रीमती सुमा स्वराज : मुझे कम्पलीट तो करने दीजिए। *ठीक!* (व्यवधान)

श्री पवन कुमार बंसल : सर, एक बात कही गयी है। *ठीक!* (व्यवधान) मैंने कहीं से जानकारी प्राप्त की है। मैंने ऐसा कुछ कहा ही नहीं है। मैंने लीगल प्रॉपोजिशन ऑन दी बेसिस ऑफ रूल्स रखने की कोशिश की है। मैंने यह नहीं कहा कि रिपोर्ट यूनैनिमस है। मैंने कहा कि रिपोर्ट दो तरह की होती है। मैंने रूल्स पढ़ कर बताया कि रिपोर्ट यूनैनिमस होती है। अगर यूनैनिमस नहीं है तो मैजोरिटी के साथ होती है। *ठीक!* (व्यवधान)

SHRI KIRIT SOMAIYA : Two members can give note of dissent. ...*(Interruptions)* How can it be seven *versus* two? ...*(Interruptions)*

श्रीमती सुमा स्वराज : अध्यक्ष महोदय, कठिनाई यह है कि यह वाक्य पूरा होने नहीं देते। *ठीक!* (व्यवधान)

MR. SPEAKER : Let the hon. Minister complete her submission. Shri Pawan Kumar Bansal, you can understand the matter. Let her complete.

SHRI PAWAN KUMAR BANSAL : Sir, it is an insinuation. *ठीक!* (Interruptions)

श्रीमती सुमा स्वराज : इसमें क्या इनसिन्यूएशन है कि आपने कोई तथ्य रखा है। *ठीक!* (व्यवधान)

श्री पवन कुमार बंसल : मैंने इस कमेटी का मैम्बर न होने पर भी कहीं से जानकारी हासिल की। *ठीक!* (व्यवधान)

श्रीमती सुमा स्वराज़ : यह इनसिन्यूएशन नहीं है। अब (व्यवधान) यह भी फैक्ट है कि आप कमेटी के मैम्बर नहीं हैं। अब (व्यवधान)

श्री पवन कुमार बंसल : आपने कहा है कि जानकारी हासिल की है। अब (व्यवधान)

श्रीमती सुमा स्वराज़ : यूनैटेड एडॉप्ट हुई या बहुमत से हुई, यह वाक्य आपने पूरा होने नहीं दिया। मैं यह कह रही हूं कि अगर यह रिपोर्ट यूनैटेड एडॉप्ट होती है या बहुमत से एडॉप्ट होती है तो यह रिपोर्ट जरूर रखी जानी चाहिए थी। आपने वाक्य पूरा होने नहीं दिया। मेरा यह कहना है कि यह तथ्य नहीं है। अब (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : You cannot say it like that. ...*(Interruptions)* Sir, how can the hon. Minister say it? ...*(Interruptions)*

SARDAR BUTA SINGH : Sir, it is not correct. How can she say it? ...*(Interruptions)*

SHRI KIRIT SOMAIYA : It is because I have mentioned; it is seven versus two. ...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ : I will tell it. Please listen to me. ...*(Interruptions)*

SHRI HARIN PATHAK : The hon. Minister is not yielding. ...*(Interruptions)*

MR. SPEAKER : Let me know what she has to say. Let her complete her point.

...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : How does she know? ...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ : If you sit down, then I will tell you. ...*(Interruptions)* मुझे बोलने देंगे तो मैं बताऊंगी। अब (व्यवधान) अध्यक्ष महोदय, जो खत आपको आए हैं, संसदीय कार्य मंत्री के नाते उनकी कापी मुझे आई है। इसलिए मुझे उसका जवाब देना है।

SHRI PAWAN KUMAR BANSAL : How does she know it? ...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : How does she know it? It is not correct. ...*(Interruptions)* Sir, a Member is going from his seat and briefing the hon. Minister. ...*(Interruptions)*

SHRI KIRIT SOMAIYA : What is wrong? ...*(Interruptions)*

श्रीमती सुमा स्वराज़ : मैंने जानकारी इसलिए ली कि जो खत गए, उनकी कापी संसदीय कार्य मंत्री के नाते मेरे पास आई है। अब (व्यवधान) आप बैठें तो मैं बताऊं जो चिट्ठी स्पीकर साहब को गई, वह संसदीय कार्य मंत्री के नाते मेरे पास आई। अब (व्यवधान) आप बैठें तो मैं बताऊं। अब (व्यवधान)

संसदीय कार्य मंत्री के नाते जो चिट्ठियां आपको गई, उनकी कापी मेरे पास आई है। मैं फैक्चुअली बोल रही हूं। अब (व्यवधान) जो चिट्ठियां स्पीकर साहब को जाती हैं, उनकी कापी संसदीय कार्य मंत्री को आती हैं। अब (व्यवधान) आपको प्रोसिजर ही पता नहीं है। अब (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : You cannot say like that. ...*(Interruptions)* How do you know? How can you say that it is a fact? You cannot say it like that. ...*(Interruptions)* You cannot do in everything like this. ...*(Interruptions)*

श्री मणि शंकर अय्यर (मइलादुत्तराई) : इनके पास रिपोर्ट है तो यह पढ़ना नहीं जानती। पैराग्राफ 4 में साफ लिखा है कि यह एडॉप्ट हुई थी और चेयरमैन ने एनाऊंसमेंट की। अब (व्यवधान) इनके पास रिपोर्ट है तो यह पढ़ना नहीं जानती। अब (व्यवधान) Sir, she does not know how to read English. The problem with Sushma is she does not know English. You look at the minutes of Para 4 of the 64th meeting. ...*(Interruptions)* Sir, she is not telling the truth.

श्रीमती सुमा स्वराज़ : अध्यक्ष महोदय, जो चिट्ठी आपको जाती है, उसकी कापी संसदीय कार्य मंत्री के नाते मेरे पास आती है। अब (व्यवधान)

श्री प्रियरंजन दासमुंशी : अगर देश का कोई नागरिक सरकार को धोखा देता है तो क्या उसे बचाने के लिए ऐसा किया जाता है? अब (व्यवधान)

श्रीमती सुमा स्वराज़ : मैंजोरटी मैम्बर्स ने मुझे लिख कर दिया है।

SHRI MANI SHANKAR AIYAR : Sir, she is deliberately misleading the House.

SHRIMATI SUSHMA SWARAJ : No, I am not. ...*(Interruptions)*

MR. SPEAKER : Hon. Members, let me say on this. The hon. Minister is making her argument. After she makes her argument, Shri Mani Shankar Aiyar, if you want to speak, I will permit you.

...*(Interruptions)*

MR. SPEAKER : I do not want everybody to interrupt other Members because then anybody who is speaking from this side will be disturbed by them. Therefore, let her complete her argument. You can speak later.

...(Interruptions)

MR. SPEAKER : The norm is you must allow her to speak.

श्रीमती सुमा स्वराज़ : मैं कोई अंदाजों और अटकलों पर नहीं बोल रही हूं। सच यह है कि जो चिट्ठी स्पीकर साहब को जाती है, उसकी प्रति संसदीय कार्य मंत्री के नाते मेरे पास आती है। यह प्रोसिजर है। वहां जो 11 मैम्बर्स उपस्थित थे, उनमें से 6 लोगों की चिट्ठी आपको गई और प्रतियां मेरे पास आई। वह लैटर मेरे पास भी है जहां उन्होंने कहा कि उन्होंने बैठने के बाद बोला था कि इस रूप में हम इस रिपोर्ट को रिजैक्ट करते हैं। इसमें पैराग्राफ-6 काटो, इसमें संशोधन करो, तब हम इसको अडाप्ट करेंगें। (व्यवधान) अध्यक्ष जी, मैं इधर-उधर के अंदाजों से नहीं बोलती। जब मैं बोलने के लिये खड़ी होती हूं तो पूरी जिम्मेदारी के साथ बोलती हूं। जो लैटर्स आपको गये, उसकी प्रतियां मेरे पास भी आयी हैं। मैं उस चिट्ठी के आधार पर बोल रही हूं। ... (Interruptions)

SHRI RUPCHAND PAL : Sir, is it the practice? ... (Interruptions) They cannot write to the Minister of Parliamentary Affairs. ... (Interruptions) This is not the procedure. ... (Interruptions)

SHRI PRIYA RANJAN DASMUUNSI : Since when are the Committee Members supposed to write to the Minister of Parliamentary Affairs? ... (Interruptions)

MR. SPEAKER: They have written to me and copies were sent to her. It is for the Members to decide.

... (Interruptions)

श्रीमती सुमा स्वराज़ : जो चिट्ठी स्पीकर साहब के पास जाती है, उसकी एक कापी मेरे पास भी आती है। ... (Interruptions)

SHRI KIRIT SOMAIYA : It was seven versus two. We have given copies to her because we doubted about it that moment itself. So, Sir, letters were given to you and also the Minister for Parliamentary Affairs. ... (Interruptions)

श्रीमती सुमा स्वराज़ : इसलिये मैं आपसे कहना चाहती हूं कि यह रिपोर्ट न यूनानिमसली एडाप्ट हुई और न मेजारिटी से अडाप्ट हुई। मेजारिटी ऑफ मैम्बर्स ने इस रिपोर्ट को रिजैक्ट किया है। यह पेपर दू बी लेड में लिस्टेड नहीं है, इसलिये इसे प्रेज़ेंट करने की इजाजत नहीं दी जा सकती।

SHRI MANI SHANKAR AIYAR : Mr. Speaker, Sir, I draw your attention, as a non-Member of the Committee, to the last sentence of paragraph four of the minutes of the 16th meeting of the Public Accounts Committee. I do not wish to read it out here because my access to it is unauthorised, but your access to it, Sir, is completely authorised. If what the hon. Minister of Parliamentary Affairs has just now stated is not in accord with the last sentence of paragraph four, then it is clear that the hon. Minister of Parliamentary Affairs has dishonourably misled this House. ... (Interruptions)

श्रीमती सुमा स्वराज़ : अध्यक्ष जी, मुझे इनके शब्दों पर एतराज है How can he use the word ""dishonourably""? ... (Interruptions)

SHRI MANI SHANKAR AIYAR : There is a procedure with regard to it, but what has been told by Shrimati Sushma Swaraj, I say with all responsibility, has been completely contradicted by the last sentence of paragraph four of the minutes which are as much in your possession as they are in the possession of the hon. Minister. I charge the hon. Minister with having deliberately misled this House with regard to what happened in that Committee, as stated in the official minutes of that Committee which are with you and which are with her. She has misled this House.

SHRIMATI SUSHMA SWARAJ: He has unauthorised access to it, but I have authorised access to it.

... (Interruptions) अध्यक्ष जी, ये अनअौथोराइज्ड एक्सैस कर बोले सकते हैं जबकि मेरे पास अथोराइज्ड लैटर्स आये हैं। पैरा-4 में क्या लिखा है? आपके पास जो चिट्ठियां गई हैं, उनकी कापियां मेरे पास आयी हैं। ... (Interruptions)

SHRI MANI SHANKAR AIYAR : Sir, I demand that the Speaker looks into the records and drag her arraigned before the Committee of Privileges for telling the untruth in the Parliament. ... (Interruptions)

MR. SPEAKER: Hon. Members, a number of points have been raised.

... (Interruptions)

MR. SPEAKER: You have also raised the point of order.

... (Interruptions)

SHRI RUPCHAND PAL : Sir, I have a point that it is well-known to everyone in this House that particularly in a Committee like the prestigious Public Accounts Committee, they have to take a decision and discuss on the basis of observations of the C&AG. The document of C&AG is a public document. ... (Interruptions) It is known to the nation what is there in it about the ... (Interruptions) who has been projected as a journalist in the Defence scam. Now, the Committee has unanimously taken a decision on the particular paragraph. ... (Interruptions)

श्रीमती सुमा स्वराज़ : जब सोमैया जी खड़े होकर बोलते हैं तो ये कहते हैं कि वह कमेटी के मैम्बर हैं, बोल नहीं सकते और ये अनअौथोराइज्ड एक्सैस करके बोल सकते हैं। मेरे पास अथोराइज्ड एक्सैस है, मेरे पास अथोराइज्ड चिट्ठी हैं। (व्यवधान) क्या ये जैसा चाहेंगे, वैसा ही हाउस चलायेंगे?

SHRI RUPCHAND PAL : After deliberations and evidence, the Report has been finalised, which has been authenticated and submitted by the Chairman to the Lok Sabha Secretariat. ...*(Interruptions)* Sir, I may be allowed to complete....*(Interruptions)*

MR. SPEAKER: Now, I want to give my ruling on this.

...*(Interruptions)*

SHRI RUPCHAND PAL : Sir, No Member of the Committee had earlier submitted any note of dissent. In the absence of any note of dissent, it is taken that it is a unanimous Report. That is the procedure. ...*(Interruptions)*

SHRI HARIN PATHAK: Sir, I want to know from you whether this particular item is listed or not. It is not listed in today""s List of Business. Then, how can the matter be raised?

It can be discussed only if the matter was listed. The item is not listed in today""s List of Business. That is the only point that I want to make.

I am not discussing about the procedure, what has happened in the Committee, etc. It is not listed in today""s List of Business. How can it be discussed here if it is not listed in today""s List of Business? It is the only query that I have to put before you. There is no point before us. You cannot discuss anything that is not listed in the List of Business.

श्रीमती सुमा स्वराज : ऑर्डर पेपर पर लिखी चीजों का क्रम भी नहीं बदला जाता। यहां किस-किस चीज को प्रेजेन्ट करने की बात हो रही है।

श्री किरीट सोमया : अगर स्टाफ मैम्बर ने आपको राइटिंग में दिया है*(व्यवधान)* पांच बजे दिया वह केवल है*(व्यवधान)*

श्रीमती सुमा स्वराज : इस हाउस में जो ऑर्डर पेपर बनता है, उसके क्रम को कभी बदला नहीं जा सकता, जब तक कि हाउस इसकी इजाजत न दे।*(व्यवधान)* यहां अनलिस्टेड पेपर को प्रेजेन्ट करने की बात हो रही है।

MR. SPEAKER: May I, with the permission of the House, go to my ruling?

...*(Interruptions)*

SHRI PRIYA RANJAN DASMUNSI : Mr. Speaker Sir, before you give your ruling, I will only submit one thing. I will not question your ruling, and we have never questioned it also. We have the liberty and leave to disclose the facts and evidence, as we like, to the nation as to how this Government is trying to protect a third person.

SHRIMATI SUSHMA SWARAJ : Sir, nobody has tried to do that.

SHRI KIRIT SOMAIYA: If it is done then it will set a precedent. How can it be done?

श्री प्रियरंजन दासमुंशी : जैसे आप इन्हें बचा रहे हैं, लोग आपको दिखायेंगे।*(व्यवधान)*

श्रीमती सुमा स्वराज : चुनाव आपको मौका देगा।*(व्यवधान)*

MR. SPEAKER: May I speak?

...*(Interruptions)*

SHRI RUPCHAND PAL : Sir, kindly allow me to speak.

MR. SPEAKER: How can you speak on a point twice or thrice?

SHRIMATI MARGARET ALVA (CANARA): ...*(Interruptions)* Sir, this is unacceptable. They are destroying every institution. It is a disgrace. ...*(Interruptions)* and they say that India is shining.

SHRI PAWAN KUMAR BANSAL : Sir, you will have the final say in this matter ...*(Interruptions)*

SHRI RUPCHAND PAL: Sir, I would like to read from ""Kaul and Shakdher"".

SHRI V. DHANANJAYA KUMAR : Sir, we want a ruling from you. We cannot go on discussing this matter.

श्री पवन कुमार बंसल : एक चीज बिल्कुल स्पष्ट सामने आती है।*(व्यवधान)*

अध्यक्ष महोदय : आप दो बार बोल चुके हैं, मैं आपको फिर से कैसे मौका दे सकता हूं।

श्री पवन कुमार बंसल : एक चीज बिल्कुल स्पष्ट सामने आती है कि यह मानते हुए कि कुछ सदस्यों ने आपको और मंत्री साहिबा को बाद में पत्र लिखा है।*(व्यवधान)* लेकिन वह ऑफिशल थोट है।*(व्यवधान)* अगर पहले उनका एक अधिकार था और एक जिम्मेदारी थी, अगर वह किसी जायज चीज के साथ सहमत नहीं

थेट्टा (व्यवधान) अगर वह किसी चीज के साथ सहमत नहीं थेट्टा (व्यवधान)

श्रीमती सुमा स्वराज : कितनी देर बहस चलेगी? थेट्टा (व्यवधान)

MR. SPEAKER: Now, I want to give a ruling on this issue.

SHRI RUPCHAND PAL : Sir, I am reading from ""Kaul and Shakdher"", page 824 -- Preparation and Presentation of Report.

"The draft report is then submitted to the Chairman for approval and a copy thereof is forwarded to the Comptroller and Auditor-General (C&AG) for factual verification."

It has also been done. It further states :

"When the Committee sits to consider the draft report as approved by the Chairman, the Comptroller and Auditor-General is also present at the sitting to point out changes in the facts and figures, where necessary."

In the presence of the C&AG representative only the draft report was presented and no objection was raised ...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ : Sir, have you permit him to read it?

MR. SPEAKER: I have not permitted him to read it. No.

SHRIMATI SUSHMA SWARAJ : Sir, then nothing should go on record. ...*(Interruptions)*

SHRI RUPCHAND PAL : Sir, it is just a clarification.

MR. SPEAKER: Please sit down.

...*(Interruptions)*

श्री किरीट सोमेया : सर, ये लोग क्यों बोल रहे हैं, ये लोग मैटर रिजैक्ट होने के बाद बोल रहे हैं। थेट्टा (व्यवधान)

MR. SPEAKER: May I speak now? Please sit down.

...*(Interruptions)*

12.54 hrs.

OBSERVATION BY THE SPEAKER

RE. : PRESENTATION OF PAC REPORT

RELATING TO SHORT LEVY OF CUSTOMS DUTY

Title : Regarding laying on the Table of the House, the Report of the Committee on "Short-Levy of Custom Duty due to incorrect classifications of goods- beddings, mattresses etc." which was not listed in the day's business; followed by Observation by the Speaker .

MR. SPEAKER: A very serious matter has come before me for a decision. The matter pertains to the Public Accounts Committee Report to be presented to the House.

I have not allowed the Chairman to present it only because it is not listed, and there is no other reason for that. I did not allow him to present it because it is not listed and why it was not listed needs an investigation, but this was not listed.

The Chairman says that he has completed all formalities. On one side, there were views expressed by the Chairman and a few other Members, and on the other side a few other Members had expressed their views exactly opposite to what the hon. Chairman had to say in the matter.

A number of rules have been quoted. You are aware that Shri Rupchand Pal, thereafter, Shri Pawan Kumar Bansal, then, Shri Priya Ranjan Dasmunsi, Shri Mani Shankar Aiyar, Shri Somnath Chatterjee, Shri Kirit Somaiya and the hon. Parliamentary Affairs Minister, Shrimati Sushma Swaraj, have expressed their views on this particular matter.

I would only like to make a few things clear that I am in agreement with Shri Priya Ranjan Dasmunsi that this is the last day of the Thirteenth Lok Sabha and, therefore, this issue should not be stretched at and, as far as possible, this issue should be amicably settled.

In the morning, the Chairman of the Public Accounts Committee rang me up at my residence. I immediately said, "Let us discuss the matter." We met at 10.30 a.m. in my Chamber. He was kind enough to meet me in my Chamber and explained the whole position to me.

The position regarding the presentation of the Report and the Minutes of the Report is really confusing. The Minutes have not been circulated so far. I must say that the Chairman came to me and explained the procedure to me. I just wanted to know the procedure. Therefore, after my discussions with him, I called another Member of the Committee, Shri Kirit Somaiya, and he also told me as to what the matter is.

About two days back, Shri Kirit Somaiya told me that the Members have not given their consent to this Report. I said, "Your saying is not enough, and that the Members have to write to me." Thereafter, seven Members have written to me saying that they did not agree with this during the meeting. I am not going into the facts as to whether what the Chairman is saying is correct or what the Members are saying is correct because that is very difficult to decide.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): It is an after thought.

MR. SPEAKER: One Member had written a letter to me mentioning the names of others. I said that I must get letters from all the Members. Now, I am in possession of the letters from the seven Members.

The House will agree with me that this matter has become serious. I would now reply to Shri Pawan Kumar Bansal's point of order that in a normal case, the Members do not speak in the House, when any issue concerning the Committee is raised. But when the procedural issue comes before me, I have to permit the Members and I have to understand what the Members have to say. Therefore, three Members of the Committee were allowed to speak. Unfortunately, two Members who spoke were not present in the final stage of the meeting of the Committee. Therefore, I went through some documents. The question of procedure, of course, exists. Therefore, I had to hear the Members of the Committee. I had also suggested to the hon. Chairman that he could take another meeting and he could resolve the issue because as far as possible, for the general convenience of the House, I would say that such issues are to be settled in the Committee itself.

It is very unfortunate that the Members of the Committee are saying one thing and the Chairman is saying something else. In future, I would advise the Chairman to see that the issues are settled, as far as possible, in the Committee itself. It looks to me, sometimes, there is a gap of communication and, sometimes, there is a misunderstanding. I will have to go through the Minutes in respect of para 4, which Shri Mani Shankar Aiyar had referred to. I have to go through the Minutes, I have to see all the rules, and I have to see the previous precedents relating to this particular case.

I would be able to make up my mind about this only after going through all this. Since the facts are confusing, there is no alternative before me but to reserve my ruling for some time. I will try my best to come before the House before it ends today. Now, let us go to the next item.

...(Interruptions)

SHRI RAM VILAS PASWAN (HAJIPUR): What about 'Zero Hour'?

MR. SPEAKER: I will go to 'Zero Hour'. I am taking up 'Zero Hour' notices now.

