

- (i) Review by the Government of the working of the Jammu and Kashmir Horticultural Produce Marketing and Processing Corporation Limited, Srinagar, for the year 1987-88.
- (ii) Annual Report of the Jammu and Kashmir Horticultural Produce Marketing and Processing Corporation Limited, Srinagar, for the year 1987-88, alongwith Audited Accounts and comments of the Comptroller and Auditor General thereon.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library, See No. LT 1381/97]

**Paraffin Wax (Supply, Distribution and Price Fixation) Order, 1997**

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI T.R. BAALU): Sir, I beg to lay on the Table—

- (1) A copy of the Paraffin Wax (Supply, Distribution and Price Fixation) Order, 1997 (Hindi and English versions) published in Notification No. S.O. 26 (E) in Gazette of India dated the 9th January, 1997, under sub-section (6) of section 3 of the Essential Commodities Act, 1955.

[Placed in Library, See No. LT 1382/97]

12.02 hrs.

COMMITTEE ON PRIVATE MEMBERS, BILLS AND RESOLUTIONS

**Fifth Report**

[*English*]

SHRI SURAJ BHAN (AMBALA): Sir, I beg to present the Fifth Report (Hindi and English versions) of the Committee on Private Members' Bills and Resolutions.

12.02 1/4 hrs.

STANDING COMMITTEE ON AGRICULTURE

**Eighth Report**

[*English*]

SHRI SANTOSH KUMAR GANGHAR (BAREILLY): Sir, I beg to present the Eighth Report (Hindi and English versions) of the Standing Committee on Agriculture on the action taken on the recommendations contained in the Thirty Eighth Report of the Committee regarding National Watershed Development Project for Rainfed Areas relating to the Ministry of Agriculture (Department of Agriculture & Cooperation).

12.02 1/2 hrs.

STANDING COMMITTEE ON HOME AFFAIRS

**Thirty-sixth Report**

[*English*]

SHRI BADAL CHOUDHURY (TRIPURA WEST): Sir, I beg to lay on the Table a copy (Hindi and English versions) of the Thirty-sixth Report of the Standing Committee on Home Affairs on the "Insurgency situation in the North-eastern region".

12.02 3/4 hrs.

BUSINESS ADVISORY COMMITTEE

**Tenth Report**

[*English*]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): Sir, I beg to move:

"That this House do agree with the Tenth Report of the Business Advisory Committee presented to the House on the 25th February, 1997."

MR. SPEAKER: The question is:

"That this House do agree with the Tenth Report of the Business Advisory Committee presented to the House on the 25th February, 1997."

*The motion was adopted.*

SHRIMATI GEETA MUKHERJEE (PANSKURA): Why do you not include the Women's Bill?

SHRI P.R. DASMUNSI (HOWRAH): Where is the Women's Bill?

MR. SPEAKER: I understand your sentiments.

SHRIMATI GEETA MUKHERJEE: Thank you, Sir, but let Government also understand them.

SHRI NIRMAL KANTI CHATTERJEE (DUMDUM): Can you communicate your understanding to the Government?

MR. SPEAKER: I will keep it in mind, I promise you.

Before I request the Railway Minister to present the Budget, I have to dispose of the notices of Motions—there are two of them—which we have debated in the last few days. I will just give my ruling on that.

12.04 hrs.

RULINGS BY THE SPEAKER

- (i) **Issue of Admissibility of Notice of Motion Under Rule 164 for Constitution of a Parliamentary Committee to go into all aspects of Bofors Gun Deal**

[English]

MR. SPEAKER: On the 24th February, 1997, Shri Jaswant Singh, Member of Parliament, had given a notice of Motion under Rule 184 of the Rules of Procedure and Conduct of Business in Lok Sabha for constituting a Committee of both House to go into all aspects of the documents received from the Swiss authorities and to consider the Government's response thereto.

The question of admissibility of the Motion tabled by Shri Jaswant Singh and the scope of constituting another Parliamentary Committee was discussed yesterday, the 25th February, 1997, in the Zero Hour. I have heard the valuable views expressed by hon. Members as well as the Government's view expressed by Shri Ramakant D. Khalap, Minister of State in the Ministry of Law and Justice, referring to the undertaking given by Government of India to Swiss authorities. The Minister stated as under.

"There are many more investigations which are going on and there are solemn undertakings between the two sovereign countries, if today we violate the undertaking given to the Swiss authorities, with what face could we go again to them and ask for further documents?"

Informing about the conditionalities attached, the Minister stated as under:

"The document transmitted and the information contained therein may be used for investigatory purposes or as evidence only in the interest of the prosecution regarding an ordinary criminal offence. Any other use of this document and the information contained therein is subject to the explicit and previous authorisation of the Federal Office for Police Matter.

The Minister added:

"Therefore, anticipating that such a question would be raised here, we requested the Swiss authorities whether they would allow us to disclose these papers. We have received last night a fax message from them saying that they cannot agree to this proposal of placing these documents on the Table of the House."

The Law Minister, on being asked, as to whether the CBI had disclosed the names, stated as under;

"There was a lot of kite flying going on. The newspapers were publishing so many things....

Therefore the CB through it proper to inform the country that these were the entire set of names which they have received."

When asked to specify those names, the Minister added:

"They are before everybody."

There is no doubt that it is as much incumbent on the Parliament as on the Government to honour international commitments and abide by the conditionalities mentioned by the Minister. It is, however, not clear why

the CBI took an inconsistent stand and thought it proper to disclose the names, which the Parliament, as it turns now, is not entitled to know. This is therefore a serious matter to be taken note of by the Government and appropriate action taken by them under intimation to the House.

It may be recalled that a Joint Parliament Committee to enquire into the Bofors contract was constituted in 1987. The Committee held 50 sittings taking 140.25 hours in its deliberations. I mentioned it yesterday. The Report of the Committee was presented on the 26 April, 1988. The Report of the Joint Parliamentary Committee was discussed in the House on the 4th and the 5th May, 1988. Apart from this, the Bofors issue was discussed in one form or the other during the Eighth Lok Sabha and Ninth Lok Sabha for about 60 hours.

After going into all aspects of the matter, I am of the opinion that no useful purpose will be served by appointing another Parliamentary Committee. I am therefore, not admitting the notice.

**(ii) Issue of Admissibility of Notice of Motion Under Rule 184 Regarding Failure of Constitutional Machinery in Uttar Pradesh**

MR. SPEAKER: I have received notices of Motion under Rule 184 from Shri Atal Bihari Vajpayee, Shri Jaswant Singh and Shrimati Sushma Swaraj, M.Ps., for recall of the Governor of Uttar Pradesh for the failure of the Constitutional machinery in Uttar Pradesh. I have also received notices of Motion under Rule 184 from Sarvashri Atal Bihari Vajpayee, Murlu Manohar Joshi, Jaswant Singh Rajendra Agnihotri and Shrimati Sushma Swaraj, M.Ps., for recall of Governor of Uttar Pradesh for his failure to control the deteriorating law and order situation in Uttar Pradesh.

The thrust of the first set of notices for recall of the Governor is that the Governor has failed in taking appropriate steps to form a Government in Uttar Pradesh after completion of the election process which has resulted in the failure of the Constitutional machinery in that State.

Hon. Members will recall that this issue was also sought to be raised in the House during the previous Session by way of notices of Adjournment Motion given by several Members. I had on 27 November, 1996 withheld my consent to the notices on the ground that the matter was pending before the Allahabad High Court.

The matter is at present pending before the Supreme Court. There is no material change in the situation inasmuch as the highest Court of the land is now seized of the matter. The issue involves interpretation of a number of complicated legal points on which the Court has yet to give its final verdict.

In view of this, I am disinclined to admit the notices of Motion under Rule 184 on the ground of failure of Constitutional machinery in the State.

Reverting to the second set of notices, they rest