

12.00 hrs.

RE. QUESTION OF PRIVILEGE

SHRI JYOTIRMOY BOSU: (Diamond Harbour): I have given notice of a privilege motion. I just want one minute.....

MR. SPEAKER: No, please. I am forwarding you the reply.

SHRI JYOTIRMOY BOSU: Let me make my submission.

MR. SPEAKER: Under what rules?

SHRI JYOTIRMOY BOSU: The debate in connection with the Maruti Ltd....

MR. SPEAKER: You can raise it in the debate.

SHRI JYOTIRMOY BOSU: We want the papers for making a constructive debate.

MR. SPEAKER: There is no privilege. You can raise it during the debate.

SHRI CHARAN SINGH (Baghat): He made a request to the Minister...

MR. SPEAKER: It is a public document.

SHRI CHARAN SINGH: But they are not available.

MR. SPEAKER: From what I have seen and from what I have tried to find out, it does not fall under privilege.

SHRI INDRAJIT GUPTA (Basirhat): Under the Company Law every company has to file an annual statement. It has not been supplied by the company. It is a violation of the Company law.

MR. SPEAKER: I do not know. I have found out from the facts that it does not come under the privilege issue.

SHRI RAVINDRA VARMA (Bombay North): Even the Parliament Library does not have a copy of it. How can there be an intelligent and informed discussion in the House? It is the responsibility of the government to see that we get all the papers.

MR. SPEAKER: He can raise it in the debate.

SHRI JYOTIRMOY BOSU: What debate you are talking of, Sir?

MR. SPEAKER: The same debate that you are talking of.

SHRI JYOTIRMOY BOSU: I have written to the Finance Minister to give me the information. He has not done so far. I have written to the Industry Minister. That has not been supplied. I have written to the Law Minister. Also I wrote to the Industry Minister seeking information 20 days ago and although day before yesterday he apologised sitting here and promised that he will send the information immediately, till this morning it has not come. Is it because Maruti is going to be debated?

SHRI INDRAJIT GUPTA: I am sure, Sir, that you do not want the impression get around in the country that Maruti Ltd., a registered company, has failed to comply with the provisions of the Company Law and there are no published balance sheets and no statement of accounts. How can that be? Since they are not available in the Library for us, it is upto the Ministry to supply them before the debate.

MR. SPEAKER: Company's Balance-sheet—I am not to take care of.

SHRI INDRAJIT GUPTA: He has asked for that in writing and it has not been supplied.

जब उन लोगों को बोलिये कि डिबेट से पहले मिल जाए।

जयश महादेव : बोल दिया है।

DR. SUBRAMANIAM SWAMY (Bombay North East): You are here for the protection of members so that the quality of debate is high.

MR. SPEAKER: It can be raised during the debate.

SOME HON. MEMBERS: No, no.

अध्यक्ष महोदय : वाजपेयी जी, आप कोई रूल बताइए, जिस के अधीन यह हो सकता है ।

MR. SPEAKER: Can you tell me under which rule you can raise this? I have not seen any rule.

SHRI BIJU PATNAIK (Kendra-para): All available papers are to be laid on the table of the House.

MR. SPEAKER: I can only request; I have already requested and I again request the Government....

SHRI CIARAN SINGH: My point is this. We have requested the Minister orally also to supply the necessary information. All the informations under the law must be available in the records of the Library. These are not available there. So the Ministry must be in possession of the necessary facts. He has asked for those facts but they are not being supplied. A well and worthwhile debate will not be possible. Who will protect the interests of the Opposition and the country excepting you?

MR. SPEAKER: I have brought it to the notice of the Minister. (Interruptions).

श्री अटल बिहारी वाजपेयी (नई दिल्ली): आप यह तो मानेंगे कि जब मारुति पर बहस होनी है तो सभी दस्तावेज के आधार पर हो। जो सामग्री मारुति से जुड़ी हुई है वह सामग्री सदस्यों के सामने आये। सरकार ने कम्पनी को लेने का फैसला कर लिया तो यह जानकारी तो स्वयं सरकार को उपलब्ध करानी चाहिए। हम स्वयं अपने ढंग से कोशिश कर रहे हैं मगर दस्तावेज मिल नहीं रहे हैं, सामग्री उपलब्ध नहीं है।

(व्यवधान)

MR. SPEAKER: I can request the government again to give these.

AN HON. MEMBER: You direct the Government... (Interruptions)

MR. SPEAKER: You may come to the Chamber. (Interruptions) Why are you speaking all at a time.

SHRI SUNIL MAITRA (Calcutta North East): Sir, the government has failed.... (Interruptions)

SHRI INDRAJIT GUPTA: The country will draw its own conclusion from the balance sheet. I am beseeching you to make the balance sheets available to us. (Interruptions)

MR. SPEAKER: I can listen one by one. Nothing has gone on record if all of you speak at a time.

SHRI JYOTIRMOY BOSU: Sir, I rise on a point of order. M/s. Maruti Ltd. is a public limited company and, under the law, they are required to furnish their balance sheets, the annual reports and statement of accounts every year and these balance sheets are in possession of the Government. The Registrar of Joint Stock Companies comes under the Ministry of Law. I am trying and the Secretary is also trying. We have failed in the last three days. That is the first thing. The second thing is: I wrote to the Industries Minister twenty days ago to know what machineries are there within the factory and such other things. We had asked for these in the last three days, three times. The Special Assistant, Shri Vohra had promised to send them. He was requested three times. These have not been sent. I have written to Shri Sisodia also asking for these.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SAWAI SINGH SISODIA): I have received the letter. (Interruptions)

SHRI JYOTIRMOY BOSU: Sir, I will refer to it. I am responsible for what I say. We have been asking for the value of the shares of the Maruti Ltd. (*Interruptions*). Sir, I wanted from Shri Sisodia the value of Rs. 10 shares as assessed under the rules and laws by the Wealth Tax Officer. That is my request. This is the blue litmus test. We must take up the evaluation of the assets. So far he has not given.

Will you kindly direct him to supply this? Then, he won't be able to say. (*Interruptions*).

Sir, your Secretariat have written on your behalf and if they are denied of these things then it amounts to contempt of the House.

(*Interruptions*)

SHRI ARIF MOHAMMAD KHAN (Kanpur); Mr. Speaker, Sir, I would like to draw your attention to Rule 71 in this respect which reads:

"Whenever a Bill seeking to replace an Ordinance with or without modification is introduced in the House, there shall be placed before the House along with the Bill a statement explaining the circumstances which had necessitated immediate legislation by Ordinance."

Sir, there is already a statement from the government which has explained the circumstances because of which this Ordinance has been promulgated. My submission is that it is because of the public interest that government has decided to take over a particular concern. (*Interruptions*)

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN): Sir, I rise on a point of order. There are two aspects to this question.

SOME HON. MEMBERS: Under which rule.

SHRI C. M. STEPHEN: Under the rule that there is no rule whereunder this demand can be made. May I sub-

mit? There are rules which govern the debate and the rights of the members. Sir, I am aware of the rule that if a Committee asks for production of a document then that has to be complied with. If a document is asked for by the House by a Resolution then that document will have to be produced. Now, there must be a rule whereunder a Member can say that I have the right to get it. Matter of accommodation is a different matter. He may write to the Minister and the Minister may or may not accommodate him.

Now, in the first place this particular matter of this debate on this question is not before the House at all. The question of making the documents available can arise only when the debate on that particular Bill comes on the Floor of the House. Until then the matter is not before the House and there cannot be a matter raised. (*Interruptions*)

AN HON. MEMBER: It is on the agenda paper.

SHRI C. M. STEPHEN: I am not speaking about the list of business. Sir, when the matter comes before the House, the Opposition can say that we cannot discuss it unless we get it. Whether the Members can say and demand it is a different question which would be decided by Rules or by you. Therefore, until that matter is taken up this question as to whether anybody has got the right to get the documents cannot be raised on the Floor of the House. Under any rule it cannot be raised. The question whether they are entitled to get the document, etc. will arise only when a debate as in the Order Paper comes in. Therefore, all these observations are absolutely irrelevant to the matter immediately before the House. Number two, Sir, is this. Accommodation is a different matter. A Member may write to a Minister, saying he needs a document and all that. He may or may not accommodate. That is a different matter. There is no question of condemnation. If a Member feels that he is entitled

[Shri C. M. Stephen]

to get it, he has of course, a right to write to you. He might have written to you. (*Interruptions*) I am explaining the point of order. You raised so many things. In the interest of Mr. Vajpayee I am telling you the point of order. (*Interruptions*)

SHRI BIJU PATNAIK: No point of order; only point of disorder.

SHR C. M. STEPHEN: Since 1980 you have gone into disorder. I am on order. My point of order is only this: As a debate on the Bill is not before the House, the question as to whether they must get the document or not, cannot be raised in this House. I challenge the Members concerned to point out a single rule whereunder they have a right to make a demand of this nature. It is number one. Then number two is this. Sir, even when a debate is on, there is no provision whereunder a particular document can be demanded as of right, unless you, in your discretion, think that production of document is necessary for a fruitful debate. There cannot be anything compelling. For that, you will have to dispose of the letter which they have passed on to you, after considering all the facts of this matter. Therefore, Sir, a further debate on this particular matter is not available; it is out of order. That is all that I have got to say.

SHRI RAM JETHMALANI (Bombay North West): Sir, there seems to be some terrible fallacy in the hon. Minister's brain about the nature of the rule and the effect of the rule. It is a fundamental principle of all rules that rules are never exhaustive, that there is something more fundamental than the rules themselves. Is there a rule in the rule book which says that hon. Members are supposed to show respect to the hon. Speaker. There is no such rule. They do without it. Fundamentally you have to preserve the functioning of Parliamentary Democracy. You are the person who is supposed to create all facilities in which we can function effectively. You are the custodian of our rights. It

is our right to carry on an intelligent debate in this House. It is the Speaker's duty,—not only duty, but your right also—to see that all facilities are made available to us. Now, Sir, this is the case of the Opposition so far as this Bill is concerned. In the Bill, in Clause 7, they have said that they want to give away Rs. 434 lakhs. They have also made it known publicly. They have made it known publicly. That the value of the assets.... (*Interruptions*)

SHRI C. M. STEPHEN: That question is not before the House. It is not to be debated at all. That question is not before the House.

MR. SPEAKER: I will go into the matter again. I will examine it. I will give my ruling.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): You ask us the rule when a point of order is raised. He could

not cite any rule. You don't allow us to speak.

SHRI C. M. STEPHEN: He is conceding that there is no rule. (*Interruptions*).

MR. SPEAKER: Please sit down.

SHRI RAM JETHMALANI: We want to establish on the floor of the House that the claim that the assets of Maruti exceeds the amount which is being paid is a public fraud. Therefore, you must make available to us all official materials on the basis of which the opposition would like to make their points. We want show....

MR. SPEAKER: Well, I will look into the matter and I will give my ruling.

SHRI RAM JETHMALANI: Kindly hear everybody before you give the ruling.

MR. SPEAKER: I know; I have listened; I will go again into the matter and I will give my ruling.

SHRI RAM JETHMALANI: Kindly allow me to summarise the position in a few seconds: Sir, we want all facilities for the purpose of showing that the claim about the value of the assets is a public fraud. *(Interruptions)*

MR. SPEAKER: If there is anything to be raised, the member can write to me. That is all now. I will give my ruling later.

SHRI JYOTIRMOY BOSU: Just now you made an observation that you will see if the letter is written to you. Just now a letter is going to you signed by members and leaders of opposition here, requesting you to ask the Government to arrange a visit to Maruti factory. We want to see physically what is there in that factory.

DR. SUBRAMANIAM SWAMY: Mr. Speaker, Sir, I would like to draw your kind attention to yesterday's proceedings on page 10058. I would like to quote the particular portion of what you said yesterday.

"Dr. Subramaniam Swamy: Yesterday you were dealing with a question of propriety. There is a civic function....."

MR. SPEAKER: I am seized of the situation. I will let you know"

There was a civic function in Delhi where Mrs. Gandhi was alleging that the Left Parties were obstructing the progressive policies of the Government.... *(Interruptions)*

MR. SPEAKER: I have already replied to Mr. Parulekar.....

(Interruptions)

DR. SUBRAMANIAM SWAMY: He has not raised this point.

*(Interruptions)***

MR. SPEAKER: Now Papers to be laid. Nothing else is to be recorded.

**Not recorded.

12.21 hrs.

PAPERS LAID ON THE TABLE

ARTSILK TEXTILES (PRODUCTION AND DISTRIBUTION) CONTROL (AMDT.) ORDER, 1980, ANNUAL REPORTS AND REVIEWS OF SPORTS GOODS EXPORT PROMOTION COUNCIL, NEW DELHI, AND TEXTILES COMMITTEE, BOMBAY FOR 1978-79 WITH STATEMENTS FOR DELAY, AND NOTIFICATION UNDER RUBBER ACT. 1947

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KHURSHEED ALAM KHAN): I beg to lay on the Table:—

(1) A copy of the Artsilk Textiles (Production and Distribution) Control (Amendment) Order 1980 (Hindi and English versions) published in Notification No. S.O. 2619 in Gazette of India, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT-1550/80].

(2) (i) A copy of the Annual Report (Hindi and English versions) of the Sports Goods Export Promotion Council, New Delhi, for the year 1978-79 along with Audited Accounts.

(ii) A statement (Hindi and English versions) regarding Review on the working of the Council for the year 1978-79. [Placed in Library. See No. LT-1551/80].

(3) (i) A copy of the Annual Report Hindi and English versions of the Textiles Committee, Bombay, for the year 1978-79 along with Audited Accounts, under sub-section (4) of section 13 of the Textiles Committee Act, 1963.

(ii) A copy of the Review (Hindi and English versions) on the working of the Textiles Committee, Bombay, for the year 1978-79.

(4) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above. [Placed in Library. See No. LT-1552/80].