

RAJYA SABHA

*Tuesday, the 23rd February, 1988/4th,
Phalgun, 1909 (Saha)*

The House met at eleven of the clock, *Mr. Chairman* in the Chair.

ORAL ANSWERS TO QUESTIONS

Investigation into the Assets of Bachchan Brothers

*1. SHRI KAILASH PATI
MISHRA:

SHRI ATAL BIHARI
VAJPAYEE:

Will the Minister of FINANCE be pleased to state;

(a) whether the Income-tax Department and the Directorate of Enforcement are investigating into the assets, in and outside India of Bachchan brothers; and

(b) if so, what are the findings there of and whether notices have been issued and prosecutions launched?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): (a) and (b) The Directorate of Enforcement is conducting investigations into a case of alleged FERA violation against Shri Ajitabh Bachchan, As part of the process Of completing assessment of income tax and wealth tax of S|Shri Ajitabh Bachchan and Amitabh Bachchan, the Income Tax Department has called for certain information regarding details of property acquired by both the above individuals. These investigations are in progress.

श्री अटल बिहारी वाजपेयी : सभापति
जी, सरकार ने . . . (व्यवधान)

SHRI JAGESH DESAI; I am on a point of order. (*Interruptions*)

The question was actually asked on the floor of the House by Shri Atal Bihari Vajpayee.

SHRI V. NARAYANASAMY; It is a question of a point of order. He may be allowed to speak. (*Interruptions*)

SHRI RAOOF VALIULLAH: There is a precedent for raising a point of order during the Question Hour. (*Interruptions*)

SHRI M. S. GURUPADASWAMY: Mr. Chairman, may I know whether you have allowed him to raise the point of order? (*Interruptions*)

SHRI RAOOF VALIULLAH: In the last Session the Opposition did it. At that time, the rules did not apply. (*Interruptions*)

MR. CHAIRMAN; Kindly sit down. There is the practice that no point of order is permitted in the Question Hour. (*Interruptions*)

SHRI RAOOF VALIULLAH: In the last Session, you permitted them. (*Interruptions*) This is not fair. In the last Session, we raised the same question. You permitted them. (*Interruptions*)

MR. CHAIRMAN; Kindly permit the House to proceed. (*Interruptions*)

SHRI RAOOF VALIULLAH: In the last Session we raised the same issue. You permitted them to raise a point of order. (*Interruptions*)

SHRI LAL K. ADVANI: You have given your ruling, Mr. Chairman. Please stick to it. (*Interruptions*)

SHRI DIPEN GHOSH: The ruling of the Chairman has to be honoured. (*Interruptions*) Why are you so sensitive? Whom are you trying to shield? (*Interruptions*)

MR. CHAIRMAN: I request the hon. Members not to cast aspersions on each other. So far as this question is concerned, as I told you, there is a convention that points of order are not permitted during the Question Hour. I was thinking that there could be questions and the whole thing could be thrashed out and I don't think anybody is interested on any side of

the House in shielding anybody. Let us not cast aspersions against ourselves because all Members are one. Our prestige is important. Let us go on with the questions. The motive should not be questioned either by this side about that side or by that side about this side.

SHRI NIRMAL CHATTERJEE: For our collective prestige we should see that nobody is shielded and no one is shielding. That is what we have to ensure in this House,

SHRI JAGESH DESAI: I would like to make a submission ...

MR. CHAIRMAN: I have said just now that there is no point of order.

श्री अटल बिहारी वाजपेयी : सभापति जी, मैं यह स्पष्ट करना चाहता हूँ कि हमारा इरादा किसी पर कीचड़ उछालने का नहीं है। हम तो सत्य का अन्वेषण चाहते हैं, और कुछ नहीं। अगर कोई निर्दोष है, तो उसको लपेटा नहीं जाना चाहिए, लेकिन अगर कोई दोषी है, तो केवल इसलिए नहीं बचाना चाहिए कि वह प्रधान मंत्री का दोस्त है। ... (व्यवधान)

श्री सतपाल मिश्र : आपके कहने के बावजूद, यह एसपर्शन ही तो कर रहे हैं। ... (व्यवधान)

श्री सभापति : अब मेरे लिए मुश्किल हो जाता है। वह उसी तरह से कहते हैं कि डा० शर्मा अटल बिहारी वाजपेयी के दोस्त थे। ... (व्यवधान) आप सवाल पर आइये, इसका छोड़िये ... (व्यवधान)

वित्त मंत्री तथा वाणिज्य मंत्री (श्री नारायण दत्त तिवारी) : मेरा आग्रह होगा कि सम्मानित नेता भारतीय जनता पार्टी ... (व्यवधान)

श्री सभापति : आप प्वाइंटेड सवाल करिए।

श्री नारायण दत्त तिवारी : मेरा आग्रह होगा कि वह कम से कम ऐसा न करें। जो उन्होंने कहा है, वह संसदीय पद्धति के अन्तर्गत नहीं आता है।

श्री लाल कृष्ण आडवाणी : क्यों नहीं आता है ?

श्री सभापति : आ तो जानते हैं, आप पुराने ... (व्यवधान)

श्री अटल बिहारी वाजपेयी : सभापति जी, क्या इस बात पर आपत्ति हो रही है कि श्री वक्त्र प्रधान मंत्री के दोस्त हैं ?

श्री नारायण दत्त तिवारी : आप जरा इसकी प्रोप्रायटी को देखें, इसे बोलने की क्या जरूरत है। The point is whether that is the propriety in the House to utter that.

SHRI PARVATHANENI UPENDRA: What is wrong in that? My dear friend, what is wrong in saying a friend is a friend? He is a friend. (Interruptions)

THE MINISTER OF HOME AFFAIRS (SHRI BUTA SINGH): Mr. Chairman, as you have rightly advised the House, they should avoid attributing motives ...

SHRI ATAL BIHARI VAJPAYEE: Is he speaking on a point of order?

SHRI BUTA SINGH: Yes; the honourable Member must confine himself to the subject of the question and should not indulge in innuendoes.

श्री जगदम्बी प्रसाद यादव : हाउस में पुलिस राज नहीं है। ... (व्यवधान)

SHRI NIRMAL CHATTERJEE: Nobody is above law.

THE MINISTER OF PLANNING AND THE MINISTER OF PROGRAMME IMPLEMENTATION (SHRI P. SHIV SHANKER): May I make one submission?

SHRI DIPEN GHOSH: Does the Prime Minister disown his friend?

SHRI P. SHIV SHANKER: It is a Government of laws, not a Government of men. By casting this aspersion he

wants to say that merely because he happens to be a friend we are trying to protect him. It is totally a wrong aspersion ... (Interruptions) ...

SHRI DIPEN GHOSH; Mr. Shiv Shanker, you mean calling a person a friend is an aspersion? You call one as a friend and that is an aspersion?... (Interruptions)...to call one as a friend is an aspersion? What are you saying?... (Interruptions), , .

SHRI M. S. GURUPADASWAMY: Sir, I want to know from my friend Shri Shiv Shanker, ... (Interruptions)

Sir, I want to know from my friend, Mr. Shiv Shanker ... (Interruptions) ... Sir, he is a very competent Judge and is a competent lawyer. I want to know from him what the meaning of aspersion is ... (Interruptions)...

SHRI DIPEN GHOSH: I tell that you are my friend. That is an aspersion?... (Interruptions) ... Does it mean an aspersion?

SHRI M. S. GURUPADASWAMY: I want to know one thing from my friend, Sir. I want to know whether friendship gives rise to casting aspersions... (Interruptions)...I want to know whether friendship leads to aspersions... (Interruptions)...

SHRI P. SHIV SHANKER; You please hear me... (Interruptions)... What I was saying was that you must hear me. After all, you have asked me. Am I not entitled to reply? ... (Interruptions) ...

SHRI LAL K. ADVANI; Let the supplementaries go on first... (Interruptions)

SHRI MURASOLI MARAN; Who is asking and who is replying, Sir? (Interruptions) ... We do not know who is asking and who is replying... (Interruptions) ...

SHRI PARVATHANENI UPENDRA: How can he reply. Sir? Let the Finance Minister reply ... (Interruptions)... How does Mr. Shiv Shanker came into the picture? Let the Finance Minister reply... (Interruptions) . .

SHRI P. SHIV SHANKAR: You ask your colleague Mr Gurupadaswamy... (Interruptions)... You ask him why he asked me. Why did he ask me?

श्री लाल कृष्ण आडवाणी : आप सवाल पूछने दीजिए ।

MR. CHAIRMAN; The fundamental question here has been lost. The point is that the Question Hour is for eliciting...

SHRI LAL K. ADVANI: Information.

MR. CHAIRMAN; ...information. It is for eliciting information.

SHRI MURASOLI MARAN; From the concerned Minister... (Interruptions)

SHRI V. GOPALSAMY: Not from Mr. Shiv Shanker ... (Interruptions)...

MR. CHAIRMAN: It is for eliciting information.

SHRI LAL K. ADVANI: Yes.

MR. CHAIRMAN: And conclusions from the information are to be drawn at other times. That was why I had requested in the morning; "Let your questions be pointed and that would be much better.", and as a political leader you know that it is better and it will serve a much better purpose. Let the facts speak for themselves. You get pointed answers to your questions. When the debate and other things come up, you can raise the other points. Otherwise, what is happening here is that during the Question Hour we go on like this. That is why I have made that request to you so that we may cover more questions on this point itself, on this supplementary itself

श्री अटल बिहारी वाजपेयी : अगर वह बीच में इंटरप्ट नहीं करते... (अवधान)

श्री सभापति : अगर आप कहते नहीं तो झगड़ा कैसे हो । आप कहते नहीं तो झगड़ा कैसे होता ।

श्री अटल बिहारी वाजपेयी : सभापति जी, आज पहला दिन है, पहला सवाल भी है और वर्षों बाद बैलट में मेरा नाम पहला आया है।

श्री सभापति : जो कुछ है वह बचाकर रखा जाता है।

श्री अटल बिहारी वाजपेयी : अगर मुझे टोका नहीं जाता... (व्यवधान) मुझे भड़काया गया तो मैं क्या करूँ।

श्री सभापति : आप तो बड़े समझदार हैं। भड़का करके तो कर दिया जाता है और यहाँ पर तो वकील लोग बैठे हैं। ये भड़का देते हैं और भड़का करके तो बहुत फायदा हो जाता है। इसीलिए भड़काया जाता है।

श्री लाल कृष्ण आडवाणी : बंसे जनता को काफी जानकारी मिल गई।

श्री अटल बिहारी वाजपेयी : सभापति जी, सरकार ने उत्तर में स्वीकार किया है कि डायरेक्टोरेट आफ इन्फोर्समेंट श्री अजिताभ बच्चन द्वारा फेरा के जो उल्लंघन किए गए हैं उनके बारे में जांच कर रही है, मैं जानना चाहता हूँ कि यह जांच कब शुरू हुई थी? क्या इस जांच में श्री अजिताभ बच्चन का बयान लिया गया? क्या बयान लेने के लिए कोई हमारा अफसर विदेश में गया या अजिताभ बच्चन को भारत में बुलाया गया? क्या श्री अजिताभ बच्चन के पासपोर्ट को इंपौंड करने के बारे में सरकार ने कोई विचार किया है और अगर नहीं किया तो इसका क्या कारण है?

SHRI EDUARDO FALEIRO: Sir, let me say this that it was very unfortunate that a senior Member like Mr Vajpayee should have mentioned that because Shri Amitabh Bachchan is a friend of the Prime Minister ... (Interruptions) I will tell you. (Interruptions)

SHRI PARVATHANENI UPENDRA: It is unfortunate that he is his friend. Not our laying. (Interruptions)

SHRI EDUARDO FALEIRO: I have listened with great patience and most quietly to what Mr. Vajpayee had to say... (Interruptions)

SHRI DIPEN GHOSH: It is unfortunate for all of us that the Prime Minister is having friendship with FERA breakers. (Interruptions)

SHRI EDUARDO FALEIRO: There is the directive of the Prime Minister. The directive of the Prime Minister was very clear that if anybody is proved to be guilty—whosoever he may be—then action should be taken against him. We are working in that direction in our Ministry, and we shall continue to abide effectively by that directive. (Interruptions)

AN HON. MEMBER: There is no conviction with anybody.

श्री जगदम्बी प्रसाद यादव : प्रधान-मंत्री के दोस्त होने के कारण... (व्यवधान)

श्री लाल कृष्ण आडवाणी : सभापति जी, सवाल तो पॉइंटेड था।

श्री सभापति : नहीं, आप जवाब दे रहे हैं; अब जैसी बात उठी, वैसी बता रहे हैं।

SHRI EDUARDO FALEIRO: Now, investigations are going on regarding the alleged purchase of a flat in Montreux, Switzerland by Ajitabh Bachchan. These investigations are going on for the last 7 months. In this case information has been obtained. Directives have been issued to Ajitabh Bachchan to give information. He has been cooperating. Sir the flat, as I have said, is in Montreux, Switzerland. Shri Ajitabh Bachchan is also there. A lot of sources have to be tapped in this matter. All this work is going on. We are keen to finish these investigations expeditiously. We shall... (Interruptions)

श्री लाल कृष्ण आडवाणी : यह जवाब कहां दिया उन्होंने? उनसे पूछा गया कि क्या उनको यहाँ बुलाया गया या वहाँ आफिसर्स ने जाकर पूछा? इसका जवाब ही नहीं आया है।

श्री जगदम्बी प्रसाद यादव : क्या हो रहा है, जवाब कहाँ है? आप जवाब दीजिए, पॉइंटेड जवाब दीजिए।

SHRI ATAL BIHARI VAJPAYEE I put a pointed question, and I am asking for a pointed reply. (*Interruptions*)

SHRI EDUARDO FALEIRO; We have asked from him, Sir. We have got information from him. He has been co-operating with the enquiry. Now, the inquiry is going on. We are intending to. .. (*Interruptions*)

श्री अटल बिहारी वाजपेयी : सभापति जी, वह स्विटजरलैंड में बैठे हैं, कैसे कोआपरेट कर रहे हैं? चिट्ठी-पत्रों के द्वारा, या प्रेम-पत्रों का आदान-प्रदान हो रहा है, क्या हो रहा है? क्या कोई आफीसर वहां गया था?

श्री लाल कृष्ण आडवाणी : यह जो पहला सवाल है, उसका जवाब नहीं है।

श्री सभापति : पहले सवाल का उन्होंने कह दिया।... (व्यवधान)... मैं उनको फोर्स नहीं कर सकता कि आप गले में से यह बोलिए। I am not a ventriloquist. अरे भाई मैं वेण्ट्रीलोकिस्ट थोड़ा ही हूँ कि उनके मुँह से वह जवाब बलवा दूँ जो आप चाह रहे हैं।

श्री एन० के० पी० साल्वे : सभापति जी, यह सवाल का दायरा क्या है, सवाल का दायरा है—

Is it a free-for-all? The question is : whether the Income-tax Department and the Directorate of Enforcement are investigating into the assets, in and outside India, of Bachchan brothers, and if so, what are the findings thereof? Now, there is the Directorate of Enforcement under the Income-tax law. Is that Directorate inquiring into the affairs of Ajitabh Bachchan and, if that is so, what is the outcome? Now, he is talking or he is asking about some Directorate. And he is replying about some other directive. (*Interruptions*) It cannot be a free-for all.

SHRI PARVATHANENI UPENDRA; He will muzzle the Finance Commission this way. (*Interruptions*)

श्री लाल कृष्ण आडवाणी : सभापति जी, एक रीशफल और हो जाय, साल्वे साहब को मंत्री बना दें। ... (व्यवधान)

श्री एन० के० पी० साल्वे : साहब, अटल बिहारी वाजपेयी जी एक यहाँ के ऐसे सदस्य हैं, जिनकी बात सिर्फ यहाँ के लोग ही नहीं, हम लोग भी बहुत इज्जत से सुनते हैं। एक कानून की बात है, आप समझ लीजिएगा क्योंकि आपको एक प्रिंसीपल कायम करना है। साहब, मेरा निवेदन है

Sir, you have to establish a procedure. Sir, I want you to determine what precise! is the scope of the question. They ask an irrelevant question and an equally irrelevant reply is given.

SHRI MURASOLI MARAN; He is casting aspersions on the Minister.

SHRI N. K. P. SALVE; I do not have the least doubt in my mind because I am on a subject that I do understand a little. I want your ruling on this. What is the precise scope of this question? Does it relate to an inquiry by the Enforcement Directorate under the Income-Tax Act or the Enforcement Directorate under FEUA? I beg of you to give your ruling. j

श्री लाल कृष्ण आडवाणी : यह सवाल पहली क्यो पैदा कर रहे हैं?

SHRI N. K. P. SALVE Do I take it that on a question like this which is about the Income-Tax Act, we can go on to FERA and then to the Hindu Law and then to the Contract Law?

श्री जमेश बेताई : उनकी बात बिल्कुल सही है।

MR. CHAIRMAN: You are an expert in Income-Tax Law and law as such. So, I am not talking anything about that. I cannot judge because I am not an expert. This question is being directed to the Minister.

श्री वीरेन्द्र वर्मा : यह कोई पाइंट आप आर्डर है। यह प्रश्न पूछ रहे हैं या उत्तर दे रहे हैं

SHRI N. K. P. SALVE; Do I take it as your ruling that any question can be asked regarding Amitabh Bachchan?

श्री राम अवधेश सिंह : सप्लीमेंटरी का उत्तर नहीं दिया । यह बीच में कैसे आ गए?

MR. CHAIRMAN: No. No.

SHRI N. K. P. SALVE; It is related to the Income-Tax law only.

श्री अटल बिहारी वाजपेयी : सभापति जी, इससे पहले कि मैं अपना दूसरा सवाल करूँ मेरे पहले सवाल का उत्तर आना चाहिए ।

श्री सभापति : क्या उत्तर नहीं आया?

श्री अटल बिहारी वाजपेयी : मेरा सवाल यह था कि क्या श्री अजिताभ बच्चन ने जांच के दौरान कोई बयान दिया है । क्या बयान लेने के लिए कोई अफसर यहाँ से गया था या उनको बुलाया गया था ? और क्या जांच को पूरा करने के लिए पासपोर्ट इम्पाउंड करने के बारे में विचार हो रहा है ?

MR. CHAIRMAN: So far as this House is concerned, it is not interested in any individual this way or that way. That is obvious. Secondly, this House is interested in seeing that our laws are not violated. These two things are there.

SHRI N. K. P. SALVE: Which is the law?

MR. CHAIRMAN; So far as I am concerned my job is to see that questions are asked and questions are answered. What questions are asked and what supplementaries are put depends upon the Members concerned and the Ministers concerned. So far as I am concerned, this particular question about which body should inquire is a relevant question. I have no doubt that what he has said is important because he is an expert.

SHRI EDUARDO FALEIRO; Sir, I will repeat what I have said. Shri Ajitabh Bachchan has made statements and there is no question of....

श्री सभापति : कोई नहीं भेजा गया ?

SHRI EDUARDO FALEIRO; No officer as such has gone there. But we are obtaining information from that place. (*Interruptions*)

SHRI M. S. GURUPADASWAMY: How is he getting information? Who is giving information? (*Interruptions*)

SHRI EDUARDO FALEIRO Sir, let me answer the second question. There is no question of impounding. We do not consider that it is necessary to impound the passport of Shri Ajitabh Bachchan because he has been fully co-operating with the inquiry. Now, further... (*Interruptions*) Will you kindly just look at the answer that we have given? (*Interruptions*)

SHRI PARVATHANENI UPENDRA: The Government is co-operating with him.

MR. CHAIRMAN: You just listen to him.

SHRI M. S. GURUPADASWAMY: Who is co-operating with whom? Is the Government co-operating with him? (*Interruptions*)

MR. CHAIRMAN; Opposition is co-operating with the Government in finding out the facts. (*Interruptions*) This side and that side are co-operating with each other with a common objective. Both are cooperating. I believe they will always cooperate ...

SHRI LAL K. ADVANI: If it is co-operating in shielding the corruption, it cannot....

MR. CHAIRMAN: I am only referring to the co-operating in finding out the guilty fighting against the evils. So, I hope, in this at least there are no two opinions, both sides are one.

SHRI N. E. BALARAM: Sir, there is one question. If the Bachchans are cooperating why should he send an officer to Switzerland?

MR. CHAIRMAN: He is not sending any officer. He said 'no'. You can ask a supplementary later.

श्री अटल बिहारी वाजपेयी : सभापति जी, क्या यह सच है कि जांच के दौरान श्री अजिताभ बच्चन ने यह दावा किया है कि 3 अप्रैल, 1986 को वह नान रेजिडेंट इंडियन हो गए थे ? क्या सरकार ने इस दावे की जांच पड़ताल की है ? क्या यह सच है कि इसके बाद भी श्री अजिताभ बच्चन हिन्दुस्तान में कंपनियों के डाइरेक्टर रहे, रेजिडेंट इंडियन के नाते बैंक एकाउंट को आपरेट करते रहे, रेजिडेंट इंडियन के नाते उन्हें जो फॉरेन एक्सचेंज मिलना चाहिए था, वह फॉरेन एक्सचेंज मिलता रहा और जब भी हिन्दुस्तान में आए तो रुपयों में अपना खर्चा चलाते रहे। क्या उन्होंने रिजर्व बैंक से इन बातों के बारे में परमिशन ली। मैं जानना चाहता हूं कि यह कहाँ तक सही है कि उन्होंने 3 अप्रैल, 1986 को नान रेजिडेंट इंडियन होने का दावा किया था।

SHRI EDUARDO FALEIRO; Sir, I am afraid, the hon. Member has not paid attention to what I have said in my original answer which is a written answer. I have said it here that the Directorate of Enforcement is conducting investigation, and these investigations are in progress.

AN HON. MEMBER: How long?

SHRI EDUARDO FALEIRO; Now, Sir, the Members know and the House knows—hon. Chairman, if it is necessary, you can give your ruling—(hat the law is very clear that under Section 44 of FERA and similarly under the concerned Section of the Income-tax Act, when these investigations are in progress, confidentiality is to be maintained because otherwise the purpose of investigation will be defeated.... (Interruptions) Sir, I have been so far giving all the information that I can. I shall continue to give all the information that I can. But I cannot give information which is forbidden to be given under the Rules of this House, namely Rule 47 (xix) of this House, and Section 44 of FERA and the corresponding Section in the Income-tax Act. So, Sir, as the investigation is in progress, it will prejudice the investigation to give the details. I will not be in a position to give..

MR CHAIRMAN; His question is whether he has declared himself a Non-Resident Indian on 3rd April. If you know and if you have got the information now, the pointed question here was whether he declared himself a Non-Resident Indian on 3rd April. Which year?

SHRI ATAL BIHARI VAJPAYEE; 1986.

SHRI LAL K. ADVANI; 1986 to justify the purchase of that flat.

MR. CHAIRMAN; That was the first question. If he has done it, is there any bar to his continuing as a Director here? I do not know whether you are prepared with it. If you are prepared with it _____

SHRI EDUARDO FALEIRO Sir, as I have said, the question whether a person is a Non-Resident Indian or not is both a question of fact which depends upon evidence and it is also a question of law (Interruptions).

Sir, as I have said, the investigation...

श्री राम अवधेश सिंह : यह बताइये 3 अप्रैल, 86 के बाद की इन्फरमेशन है या नहीं। इसके बाद हम . . . (व्यवधान)

MR. CHAIRMAN; Mr. Ram Awadesh Singh, please sit down. You have not asked the question. When your turn comes, you may ask. (Interruptions). When your turn is there, you can ask.

SHRI EDUARDO FALEIRO; Sir, as I have said, the question whether a person is a non-resident Indian or not, depends on evidence and these matters and questions are being investigated.

श्री राम अवधेश सिंह : यह बताइये कि उन्होंने 3 अप्रैल, 86 को डिक्लेयर किया या नहीं कि मैं नान रेजिडेंट इंडियन हूँ . . .

SHRI EDUARDO FALEIRO; If I do that, I will be violating the Rules of this House and the rules of the FERA.

SHRI DIPEN GHOSH; By disclosing whether he is a Non-Resident Indian or

not, how he will be violating the rules, I cannot understand.

श्री राम अवधेश सिंह : आपके पास इन्फॉर्मेशन है या नहीं 3 अप्रैल, 1986 के बाद की, इतना बतलाइये।

MR. CHAIRMAN: You need not answer his question. He is not entitled to ask at this time.

SHRI EDUARDO FALEIRO; of course, he is not. I wanted to put it politely...

SHRI ATAL BIHARI VAJPAYEE; I want to know whether Ajitabh Bachchan declared that he became a non-resident Indian on the 3rd of April, 1986. Whether that claim is correct or not?

MR. CHAIRMAN: Your answer, - is that you are investigating his status...

SHRI EDUARDO FALEIRO;... and the law prevents me...

MR. CHAIRMAN; The law cannot prevent you from investigating his status.

SHRI EDUARDO FALEIRO; The law prevents me from disclosing the investigations which are in progress.

MR. CHAIRMAN; The question is very simple. He does not want you to divulge. He wants to know whether in the eye of the Government

in your own eye, he is a Non-Resident Indian, or what is his status. (*Interruptions*). Please hear me. I think your answer is—if it is not correct, you correct me—that this is not determined as yet. Is it correct?

SHRI EDUARDO FALEIRO; That is one side of it.

MR. CHAIRMAN: What is the other side of it?

SHRI EDUARDO FALEIRO; That is one side of it. The other side....

MR. CHAIRMAN: There can be only one side. Either he is a Non-Resident Indian or he is not a Non-Resident Indian

Or the matter is under investigation. Now you cannot have a fourth thing. (*Interruptions*).

SHRI DIPEN GHOSH; Why are you helping him?

MR. CHAIRMAN; I asked him, if he is prepared for it, he will answer. He started answering.

SHRI EDUARDO FALEIRO; Now I will repeat it again, Sir.

SHRI M. S. GURUPADASWAMY; To claim or not to claim depends upon anybody's convenience. You are exposing the Government. Let me tell you that you are exposing the Government.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM; We want to know the exact date on which he became a Non-Resident Indian?

SHRI VISHVJIT PRITHVIJIT SINGH; For Heaven's sake do not level charges against the investigating officers. Please keep quiet about this and let the investigation be over.

SHRI VIRENDRA VERMA; Have you allowed him Sir?

SHRI VISHVJIT PRITHVIJIT SINGH; Let the investigation be over and then talk about it. Do not talk about it now. This is not the sort of investigation we expect.

SHRI M. S. GURUPADASWAMY; They have already taken seven to eight months so far to investigate one particular case.

MR. CHAIRMAN: You may ask questions when your turn comes. Now, I think the basic presumption of democratic form of Government is that we believe that when they come in Parliament, whichever side, nobody thinks of convenience. Let us not get into that point.

SHRI ANAND SHARMA; I have to ask one question. Mr. Vajpayee said about an NRI continuing as a Director of

Indian companies. My question is, is there any legal ban or bar? That is what he is hinting at... *(Interruptions)*. Let me clarify your confusion about the law.

SHRI DIPEN GHOSH; Sir, he is not the Minister.

SHRI ATAL BIHARI VAJPAYEE: Sir, what about my question?

MR. CHAIRMAN: You ask your friends not to interrupt.

SHRI M. S. GURUPADASWAMY: Let there be a full-time debate.

PROF. C. LAKSHMANNA; I have a question to ask.

MR. CHAIRMAN: I have not called you. Please sit down. As some people have said in the House everybody seems to be interested in shouting and not in facts. Let the prestige of the House be maintained.

PROF. C. LAKSHMANNA; But my point is different,

MR. CHAIRMAN; But that is not permitted.

Coming back to the question, the question was very simple. The question was whether he has claimed to be a Non-Resident Indian. If you have got the answer you may give.

SHRI EDUARDO FALEIRO: Sir, under section 44 of FERA I cannot disclose the information that we get in the course of investigation... *(Interruptions)*,

SHRI PARVATHANENI UPENDRA; Sir, we want your protection.

SHRI EDUARDO FALEIRO: If you give a ruling that I disclose it, I will do that.

MR. CHAIRMAN; I am not talking about disclosing it. I am familiar with the law and I do not think the answer to this question whether he has claimed to be a Non-Resident Indian comes under any prohibition

of the law. That is why I said if you have got this information, you may answer; otherwise you may not. That is all.

SHRI EDUARDO FALEIRO: I have said that I am barred by section 44 of FERA in answering this question. *(Interruptions)*.

MR. CHAIRMAN: How can your answer, whether he has claimed to be a Non-Resident Indian or not claimed, be barred?

SHRI EDUARDO FALEIRO : Sir, since you have ruled...

MR. CHAIRMAN I have ruled very clearly.

SHRI EDUARDO FALEIRO: I will disclose the information. The answer is Yes'. He has claimed to be a non-resident Indian.

MR. CHAIRMAN: That is all.

SHRI ATAL BIHARI VAJPAYEE : Sir, the hon. Minister has not replied to the latter part of my question. The hon. Minister has just now said that Mr. Bachchan has claimed to be a non-resident. In that case, I would like to know whether the Government have verified this claim. *(Interruptions)* This was the second part of my question. *(Interruptions)*

MR. CHAIRMAN: I have myself separated this question into two parts. In regard to the first part, I have ruled and the question has been answered. But so far as investigations are concerned, there is a fundamental rule of law which governs the disclosure. They will not disclose because of another reason and the reason is we have got advocates like Mr. Bhandare and other who are very clever...

SHRI ATAL BIHARI VAJPAYEE : They are on the other side.

MR. CHAIRMAN: That is why you should be afraid of them. They will say that the whole investigation has been prejudiced and they will always take advantage of the weakness of the judiciary to hold a person guilty only when it is proved. You should be afraid of them. Please

remember. You should always be careful. You should be afraid of these advocates who will say. . . (Interruptions)

SHRI BUTA SINGH: Advocates go by the rule of law. (Interruptions)

MR. CHAIRMAN: They would not mind it. (Interruptions)

SHRI ALADI ARUNA *alias* V. ARU-NACHALAM: Sir, this is not a judicial enquiry. This is a departmental enquiry. It is not *sub judice*. (Interruptions)

MR. CHAIRMAN: Mr. Aruna, the whole trouble is that you are in the habit of not hearing the other side. This goes to the extent that they are not tearing what the Chair is saying. As I said earlier, as far the first part of the question is concerned, it should be answered and it has been answered. But this type of thing can be harmful in the sense that it could be said that it may be prejudiced. That is why I have permitted the first question Now, Shri Kailashpati Mishra.

श्री कैलाश पति मिश्र : सभापति महोदय मैं एक छोटा सा सवाल पूछ रहा हूँ। मंत्री महोदय बता दें कि श्रीमद् अमिताभ बच्चन प्रधान मंत्री जी के दोस्त हैं या नहीं है ?
... (व्यवधान) . . .

श्री सभापति : मेरे शब्दों : ... (व्यवधान)

श्री पवन कुमार बंसल : सप्रश्न यही है इनकी। इससे इनका . . . (व्यवधान)

SHRI N. K. P. SALVE: Sir, as I read the question, it is a question which seeks information on investigation by the Income-tax Department and the Directorate of Enforcement into the acquisition of assets by the Bachchan brothers and if so (Interruptions) Sir, Mr. Jaswant Singh is always irrelevant. He is interrupting without any rhyme or reason when our leaders are listening to me quietly. He is devoid of any discipline. Sir, if I have understood the question correctly, the question was whether the Income-tax Department and the Directorate of Enforcement are enquiring into the assets of the Bachchan brothers and if so, what are the findings thereof and whether notice has

been issued and prosecution launched. Sir, in the Income-tax Act 1961, there is Chapter XIII. I am sure the Finance Ministers are conversant with this. In Chapter 13 there is a section 116(c) which refers to 'Director' as one of the investigating authorities. There is a Director of Inspection. Now, if this question relates to such enquiries, firstly I must submit that this kind of question being asked prejudices the right of a person about whom the question is being asked in Parliament. This is very unfair. This is against the basic norms of democracy that we do something against someone who is being tried in a *quasi* judicial proceeding. Today it is Amitabh Bachchan, tomorrow it might be Jaswant Singh or it might be anybody else.

SHRI ALADI ARUNA *alias* V. ARU-NACHALAM: It is not the question of Amitabh Bachchan as such, it is a question against the economic offenders. (Interruptions).

SHRI N. K. P. SALVE: I am not worried about Amitabh Bachchan's friendship with our Prime Minister because I know my leader he is a steadfast and honest man. If somebody is guilty, he will be punished not once but 20 times. (Interruptions). He was a Member of our party, a decent member of the party. He is a citizen of the country and as such he is entitled to all the protection of the law. So, I submit very respectfully that a question of this nature, if admitted, prejudices the right of the person who is being tried in a *quasi* judicial proceeding. (Interruptions). My question therefore is whether there is any *prima facie* cases whatsoever against the Bachchan brothers under the Income-tax Act. If there are any assets acquired, they are liable to be included in the total income. So, I would like to know whether there is any such enquiry against Bachchan brothers. And if there is some enquiry, have they any findings, because before reaching any findings there prosecution cannot be launched?

MR. CHAIRMAN: You want to know whether there is proceeding ...

SHRI N. K. P. SALVE: Under the Income-tax Act.

AN HON. MEMBER: Under FERA.

SHRI N. K. P. SALVE: It does not relate to FERA. There is a director. I have made a reference to the section itself. There is a director of investigation for enforcement purposes. So, I want to know whether under the Income-tax Act there is any enquiry or there is any *prima facie* case; if it is there whether the enquiry has been completed. If it is not completed how can the notice of prosecution be issued?

SHRI EDUARDO FALEIRO Sir, I must say that there is no evidence at all of commission of any offence under the Income-tax law either by Amitabh Bachchan or by Ajitabh Bachchan.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: This is the document which shows that they have purchased a property in Switzerland. Do you think there is no *prima facie* case? How can you say that? If there is no *prima facie* case, why are they having enquiry for seven months? (*Interruptions*).

MR. CHAIRMAN: The question is whether there is an enquiry under the Income-tax Act. What do you say about that?

SHRI EDUARDO FALEIRO: Since there is no *prima facie* case, there is no enquiry, there is only usual assessment of returns which is the usual thing. There is no indication of commission of an offence under the Income-tax Act.

MR. CHAIRMAN: So, there is no enquiry, you are only making a preliminary assessment.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI HANS RAJ BHARDWAJ): There is a difference between assessment... (*Interruptions*).

SHRI N. K. P. SALVE: It is only assessment. I am liable to be assessed, he is liable to be assessed under the Income-tax Act.

श्री राम अवधेश सिंह : एन० आर० आई ज० के खिलाफ इनको असेसमेंट करने का

हक है जब एन० आर० आई० हैं तो ... (व्यवधान)

SHRI HANSRAJ BHARDWAJ: May I submit? There are two things. Under the Income-tax Act one has to be assessed. Under FERA one has to be enquired into. These two matters are quite separate. Under Income Tax Act, the hon. Minister has said that assessment of the various years is going on and an enquiry and preliminary investigation are going on. This is premature and he does not find any justification for this type of insinuation.

MR. CHAIRMAN: Assessment is going on, but not under FERA. That difference is there.

SHRI N. K. P. SALVE: That is what I was submitting. The question is clearly under the Income Tax Act and the hon. Minister is replying under the 'FERA'.

SHRI HANS RAJ BHARDWAJ: No.

SHRI N. K. P. SALVE: He is. He is asking under FERA and he is replying under FERA. If the question is under Income Tax Act, this ought to be the conclusive answer.

MR. CHAIRMAN: Not being an income-tax man or a FERA man, I do not know it. You are an expert.

SHRI N. K. P. SALVE: Sir, I want you to go by the question, as it is framed and as I have submitted—I have got the book here—there is a Directorate of Inspection/Investigation under the Income Tax Act. FERA is not under the Income Tax Act. FERA is a different thing. Therefore the only relevant answer to a relevant question could be an enquiry under the Income Tax Act and the answer should have been a big 'No'.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: The question is about Income Tax Department and the Directorate of Enforcement. Directorate of Enforcement is under FERA. Kindly go through the second part of the question. It is a question about Income Tax.

as well as FERA violation. What about enforcement?

SHRI M. S. GURUPADASWAMY: The question refers to—may I read it? —assets acquired by Bachchan brothers in and outside India.

SHRI N. K. P. SALVE: Please let me know one thing—whether the question is under the Income Tax Act or under the Foreign Exchange Regulation Act?

SEVERAL HON. MEMBERS: Both.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Mr. Salve, we are sorry for- your clients.

SHRI A. G. KULKARNI: Just listen to me. Sir.

SHRI A. G. KULKARNI: Mr. Vajpayee having not paid any income tax so far, does not understand what is FERA and what is income tax. The point is, there are two questions. One is under the Income Tax Act.

MR. CHAIRMAN: Mr. Vajpayee does not believe in accumulation of wealth.

SHRI A. G. KULKARNI: Has he ever paid anything under the income tax? The Minister has said that under the Income Tax Act, there is no case; under FERA an enquiry is going on and he is not going to disclose anything under section 44. Have you paid any income tax. Mr. Vajpayee?

MR. CHAIRMAN: He, is not liable to pay income tax.

SHRI M. S. GURUPADASWAMY: Sir, the question relates to illegal assets accumulated by Bachchan brothers, both inside and outside India. So both Income Tax Act and FERA are covered.

MR. CHAIRMAN I want to know, please, both of you can tell me, the question is about what?

SHRI DIPEN GHOSH: One is about violation of FERA and the other is about violation of Income Tax Act.

SHRI A. G. KULKARNI: Then you should have said under Foreign Exchange Regulation Act. The Directorate of Enforcement is under Foreign Exchange Regulation Act. Sir, the question is not correctly framed.

श्री बृट्टा सिंह : श्रुतना तो यह पड़ेगा कि वाजपेयी जी के किस मित्त ने यह क्वेश्चन ड्राफ्ट किया है।

SHRI A. G. KULKARNI: One must know what he is asking. He does not know properly what he is asking.

MR. CHAIRMAN: Will you please permit some time for me also? I want to know whether the question is relating to Income Tax Department or the Directorate of Enforcement.

SHRI A. G. KULKARNI: Sir, it is wrongly drafted.

SHRI EDUARDO FALEIRO: The question is for both—it relates to FERA as far as the flat is concerned and Income Tax Act as far as assets are concerned.

MR. CHAIRMAN: I am an ignorant man as far as financial laws are concerned. So, I want to know whether it is the Income-tax Department or the Directorate of Enforcement.

SOME HON. MEMBERS: Both.

SHRI N. K. P. SALVE: Sir, all I submit is, there is a Directorate under the Income-tax Act also... *(Interruptions)* .. If there is a Directorate under the Income-tax Act, all that I want you to rule is whether according to you, the question is under the Income-tax Act or under the Foreign Exchange Regulation Act.

MR. CHAIRMAN: It can be under both... *(Interruptions)*...

SHRI NARAYAN DATT TIWARI: Sir, I would submit that.. *(Interruptions)*

Of course, the question itself has been rather ill-drafted—there is no doubt about it. But understanding the spirit of that, not the words, we have tried to answer the question.

SHRI A. G. KULKARNI: Then why are you replying?

MR. CHAIRMAN: Out of consideration for these.. (*Interruptions*)..

SHRI NARAYAN DATT TIWARI: First is the investigation into the case of alleged FERA violation against Shri Ajitabh Bachchan and Shri Amratabh Bachchan. This being a subject-matter coming under the ambit of the FERA, is being dealt with by the Directorate of Enforcement and they are investigating into the matter. Secondly, as far as the question of income tax and wealth tax of Shri Amitabh Bachchan is concerned, that is being dealt with by the Income-tax Department. It has been very clearly mentioned that they have called for certain information regarding details of property acquired by both the above-mentioned individuals. These investigations are in progress. The answer is very clear and I think it meets the substance of the question.

MR. CHAIRMAN: It loots, instead of going into the literal meaning of all that. They have tried to give whatever was within their knowledge.. (*Interruptions*)

SHRI DIPEN GHOSH: Sir, I want to put a very specific, pointed question. Since both the senior Minister and the junior Minister have stated that inquiries are going on, I want to know whether pending a probe, the Prime Minister's continued association with the Bachchan brothers does not amount to influencing the process of investigation. .. (*Interruption*)...

SHRI NARAYAN DATT TIWARI: May I ask...

SHRI DIPEN GHOSH: Pending a probe under law, does not the Prime Minister's continued association with the Bachchan brothers, including holidaying,

amount to influencing the process of investigation?.... (*Interruptions*).

MR. CHAIRMAN: The question is irrelevant.. (*Interruptions*) ..

SHRI DIPEN GHOSH: That is more important, Sir. You know that a Government official is debarred from associating himself with any person who is under a cloud. Therefore, the Prime Minister cannot be above the law. I want to know whether the Prime Minister's continued association with such economic offenders does not amount to influencing the process of law. That is my question.

MR. CHAIRMAN: It is irrelevant. That a man like Mr. Dipen Ghosh....

SHRI PARVATHANENI UPENDRA: Sir, We want a special, one-hour debate on this .. (*Interruptions*) .. We want a special discussion on this... (*Interruptions*)

MR. CHAIRMAN: No, No, please.

SHRI A. G. KULKARNI: Sir, Mr. Ghosh should not go on record.

(*Interruptions*) ..

MR. CHAIRMAN: Shri Gurupadaswamy.

SHRI M. S. GURUPADASWAMY: May I know Sir...

SHRI DIPEN GHOSH: My question is important. Sir.

MR. CHAIRMAN: Your question is irrelevant.

SHRI DIPEN GHOSH: That is more important, Sir.

MR. CHAIRMAN: Your question is totally irrelevant. You cannot raise everything. No.

SHRI DIPEN GHOSH: It is a fact, Sir, (*Interruptions*)

MR. CHAIRMAN: I will not permit.

SHRI ALADI ARUNA alias V. ARUNACHALAM: Incidentally the Prime Minister is here. That is why we are asking.

MR. CHAIRMAN: His being here does not justify asking anything. Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

प्रत्यक्ष कर कानून (संशोधन) अधिनियम, 1987 के अन्तर्गत विभिन्न क्षेत्रों से अनुमानित आय

* 2. श्री मीर्जा इश्राद बेग : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) प्रत्यक्ष कर कानून (संशोधन) अधिनियम, 1987 के अन्तर्गत विभिन्न क्षेत्रों से कितनी आय होने का अनुमान है ;

(ख) क्या इस अधिनियम की कुछ धाराओं के खिलाफ शिकायतें प्राप्त हुई हैं यदि हां, तो उनका स्वरूप क्या है और उनमें क्या-क्या मांगों की गई हैं और उनका समाधान करने के लिए क्या कदम उठाए गए हैं और यदि इस मामले में कोई कदम नहीं उठाये जा रहे हैं, तो इसके क्या कारण हैं ; और

(ग) क्या इस संबंध में कोई रियायत देने और इस अधिनियम में कोई संशोधन करने का कोई प्रस्ताव है ; यदि नहीं, तो इसके क्या कारण हैं ?

वित्त मंत्रालय में राजस्व विभाग में राज्य मंत्री (श्री अजीत पांजा) : (क) से (ग) प्रत्यक्ष कर कानून (संशोधन) अधिनियम, 1987 का आशय आय के निर्धारण और कर वसूलियों से संबंधित कार्यविधियों को कारगर बनाने से है। इसके उपबंधों के लागू होने पर इनके बेहतर अनुपालन के द्वारा राजस्व में, कुछ वृद्धि हो सकती है। ये उपबंध स्वतः ही निष्प्रभावी हैं।

सरकार को प्रत्यक्ष कर कानून (संशोधन) अधिनियम, 1987 के उपबंधों के संबंध में विभिन्न व्यापार संघों, वाणिज्य

मण्डलों, व्यावसायिक संस्थाओं और व्यक्तियों से अभ्यावेदन प्राप्त हुए हैं। इन अभ्यावेदनों में अधिनियम के कुछ उपबंधों की, मुख्य रूप से उन उपबंधों की आलोचना की गई है जो फर्मों पर कर की उच्चतम सीमान्तिक दर लगाने, अतिरिक्त कर लगाने, कर-निर्धारण को पुनः आरम्भ करने, कतिपय न्यासों/संस्थाओं आदि के संबंध में केन्द्रीय प्रत्यक्ष कर बोर्ड के अभ्यावेदन से संबंधित है।

सरकार का इन मुद्दों पर दृष्टिकोण स्पष्ट है। उठाए गए मुद्दों का गहराई से विश्लेषण करने के बाद ही उपयुक्त कार्यवाई आरम्भ की जाएगी।

Air pollution in the capital

♦ 3. SHRI KAPIL VERMA:
SHRIMATI VEENA VERMA:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether Government's attention has been drawn to a study report of the Central Institute of Educational Technology under N.C.E.R.T. to the effect that there is a possibility of Bhopal-type gas tragedy repeating itself in the Capital if extreme safety measures are not taken against emission of over 400 tonnes of pollutants by ten lakh vehicles running daily;

(b) if so, what are the details in this regard; and

(c) what measures Government propose to take to check the menace?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI): (a) and (b) The Central Institute of Educational Technology has prepared a media material (video-tape) to sensitize high school teachers in issues related to ecology in India. This is based on materials compiled from newspapers, magazines and other publications. Relevant extracts from the video-tape are placed on the Table of the House as statement. (See below),