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MR. DEPUTY CHAIRMAN: I have called the hon. LoP. ...*(Interruptions)*... Nothing else will go on record. ...*(Interruptions)*.. Nothing else will go on record. ...*(Interruptions)*... ~~20 Sik.....(302-09)...~~ ~~20 Sik.....(302-09)...~~ ~~20 Sik.....(302-09)...~~ ~~20 Sik.....(302-09)...~~

CLARIFICATIONS ON THE STATEMENT BY MINISTER

**Regarding investigation of coal block allocations by Central
Bureau of Investigation**

THE LEADER OF THE OPPOSITION (SHRI ARUN JAITLEY): Mr. Deputy Chairman, Sir, the hon. Minister for Coal has made two statements before this House. He made the first statement on the 20th of August, 2013 and the second statement on 23rd August, 2013. In the first statement, he was a little vague. He said 'some files may not be available. In case they are asked for we will try and supply them.' In para three, he said and I think this is extremely important because this was a methodology of concealing fair information and I quote from his statement, "The CBI has asked *inter alia* for 157 applications/documents which were prior to 28.6.2004 but have not been allocated coal apart from a few other files and documents." So, the statement was paraphrased as though all these are pre-2004 files. On the same day, when clarifications were sought, he made a statement in the House, ~~पूरे 157 फाइलें 2004 के बाद के हैं।~~ These are all prior to 2004. This was categorically stated. When Members were not satisfied because reports were appearing that these are all documents between 2006 and 2009 and not the documents prior to 2004, he has now made a very interesting statement which is an example of how the arithmetic of this Government works. In para 4 he says and he refers to the documents and files 'not supplied', these documents may be broadly classified as 43 files, 19 applications for coal block allotment, 157 applications of private applicant companies who had applied

*Not recorded.

for coal prior to 28.6.2004 but have not been allotted, 17 other documents. The position is as under. And, I will just briefly reaffirm this. In the first case, he says that seven files are not available and efforts are being made to locate them; sixteen applications, along with 157 applications, are being searched; out of seventeen documents, nine are being searched. So, he sub-qualifies them into files, documents and applications, as they were all loose sheets of papers. If you total, it is not the impression of seven files that has been given, it is seven plus sixteen plus nine plus one hundred fifty-seven. This is the net total of whatever nomenclature you give them. You can call them files; you can call them papers; you can call them documents; you can call them applications, which are missing. And, the categorical impression, which has been given, is that these are those that were prior to 2004. Some may be prior to 2004, but most of them pertain to the period 2006 to 2009. What is the substance of the charge against the Government? You allocated coal blocks in an arbitrary manner, without charging any consideration; there was an act of nepotism; these were allocated to favourites; important political leaders became name-lenders and rentiers; they became sweat equity holders in the companies that were the beneficiaries. Therefore, those were the companies to whom these coal blocks had been allocated. This is the substance of the charge. And, under the monitoring of the Supreme Court, this is being investigated. Therefore, it is an important matter. That's why we were all constrained to request you, Mr. Deputy Chairman, Sir, to kindly request the hon. Prime Minister to be present here in this House, when this issue is taken up, so that he may give these clarifications. Now, the magnitude is, there is a fraud on revenue. A large amount of revenue of the Government has been compromised. The court is monitoring this investigation. And, right under the nose of the monitoring court, the subject matter of investigation, that is, the files and the notings disappear. And, this is on the premise that if there is no evidence, there will be no proof of crime. The third attempt is made to mislead the House by saying that everything was prior to 2004. Hon. Prime Minister, if you take the different parameters of what can constitute bad governance – fraud on revenue, contempt of court, breach of privilege and destruction of evidence – every conceivable element of bad governance is present there. On the last occasion, I had pointed out that there is a possibility of contending that there is conflict of interest, And, it is a case that has shaken the conscience of the whole society and we are, now, faced with a situation that the files will not see the light of the day. From the Media reports, which have been appearing, it is evident that those files relate to those very specific cases where names of important functionaries, close to the Government, are involved. Destruction of evidence is a crime. My specific questions, which we had raised the other day and which the courts are also arguing, are: Have you registered

a case? Have you started investigating the case? Have you started booking the guilty people, those who are responsible for this destruction of evidence? Or, you have not started this exercise at all? What steps is the Government taking to make sure that these documents reappear and that this investigation could be carried on to its logical conclusion? The courts will fix the penal responsibility. But who, in the Government, Mr. Prime Minister, is going to take the moral responsibility of this? And, that is precisely why we were constrained to request you, Sir, to request the hon. Prime Minister to be present in the House to answer these questions.

MR. DEPUTY CHAIRMAN: Since we have to take up the The Constitution (One Hundred and Twentieth Amendment) Bill, 2013, clarifications should be brief.

SHRI SITARAM YECHURY (West Bengal) : I am sorry, Sir.

MR. DEPUTY CHAIRMAN: I only said that it should be brief. That is all.

SHRI SITARAM YECHURY : Sir, on the basis of two Statements of the Minister of Coal, we have had one session and round of clarifications, but we are not satisfied with the answers that have come. The Minister of Coal has said that there are in total 199 missing documents. If you add up various categories that he has mentioned, there are 199 missing documents. Of these, there are many files; of these, there are many other documents that he has claimed, but whatever it is, these are missing. At that stage itself, I had raised one point saying that why you have not registered a case. Why is there no FIR? Why are you not moving to have this matter investigated? The answer we got, Sir, was that a Committee has been formed, which will probe as to how these have vanished. Once the Committee report comes, on that basis, we will go and file an FIR. Now, it has been over a week, Sir. Whichever Committee has been formed, whoever is there in that Committee, what has happened to that? Has anything been found from that? If it has not been found, why are you not proceeding with a proper recorded investigation? Why are you not registering a case, in case it is a theft or missing case? The fact that this is not being done increases the bar of suspicion. It increases the bar of suspicion that there is something that has to be hidden. That is very unfortunate in this particular case.

My second point is, last time itself I had raised this issue that these are cases on the basis of which the CAG has given its Reports. The Report of the Comptroller and Auditor General has, actually, revealed a lot of acts of commission and omission in this entire case. There has been a presumptive loss estimated to the tune of Rs.1,86,000 crores. This cannot just go unanswered. Yes, the CBI is investigating

*Expunged as ordered by the Chair.

MR. DEPUTY CHAIRMAN: No, no. ...*(Interruptions)*... The name is expunged. ...*(Interruptions)*... Don't mention name.

DR. V. MAITREYAN: Okay, I don't take the name. A Joint Secretary had gone to the CBI Office. He sat in his DIG's room; and he has prepared the report. This has been given as an affidavit by the CBI in the Supreme Court. Who was the Joint Secretary who authorized him to go there? Was any investigation done as to how he went there? What action has the Prime Minister taken against the official in his own Office? He is answerable to that. See, as far as 2G is concerned, I can understand his saying that ...

MR. DEPUTY CHAIRMAN: No, don't bring 2G here.

DR. V. MAITREYAN: ... because of the coalition compulsion, he couldn't act. But here, as far as coal scam is concerned, Mr. Prime Minister, you and you alone are answerable to the country.

SOME HON. MEMBERS: Sir, ...

MR. DEPUTY CHAIRMAN: No, no. That is all. Yes, Mr. Derek O'Brien. Put the question....*(Interruptions)*... That is all. ...*(Interruptions)*...

SHRI DEREK O'BRIEN (West Bengal): Just one question, Sir. On the floor of the House last week, the Prime Minister made a statement to say that he is not the custodian of the coal files. My question is: (a) Then, who is the custodian of those coal files? And, (b) To his knowledge when the files went missing, when and where did the files go missing?

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MR. DEPUTY CHAIRMAN: Okay; hon. PM will intervene. The reply will be later.

THE PRIME MINISTER (DR. MANMOHAN SINGH): Mr. Deputy Chairman, Sir, with regard to the so-called missing files or papers pertaining to the on-going investigation into allocation of coal blocks, the House has already seen the detailed clarification offered by the Coal Minister in his Statement of 23rd August. I would like to reemphasize that the Government is making all efforts to locate the papers requisitioned by the CBI, and, at this stage, it would be premature to say that some papers are indeed missing. A vast majority of the papers sought by the CBI have already been handed over to them. However, disregarding the factual position, some Members have gone ahead and drawn their own conclusion that there is something fishy and the Government is hiding something. Hon. Deputy Chairman, Sir, let me assure this august House that the Government has nothing to hide. The fact that more than 1,50,000 pages of documentation have already been handed over to the CBI clearly shows that our intention to facilitate the process of investigation cannot be called into question.

Right from the days the Comptroller and Auditor General began its exercise of performance audit, the Government has always provided its fullest cooperation to the CAG and later, to the CBI. We will continue to do so. If the records in question are indeed found missing, the Government will carry out a thorough investigation and ensure that the guilty are brought to book.

Hon. Deputy Chairman, Sir, the matter of allocation of coal blocks is *sub judice*. The Apex Court of the country is looking into all aspects of these allocations. Moreover, the ongoing investigation by the CBI is being closely monitored by the Apex Court. In its Order dated 29th August, 2013, the Supreme Court has directed that within five days, the CBI shall provide a comprehensive list of documents and records which remain outstanding, and thereafter, within two weeks the Government will hand over the available papers to the CBI. The Government shall follow these directions in letter and spirit and shall do its best to locate and hand over the requisite papers to the CBI within the time-frame stipulated by the Apex Court. If the Government is unable to locate some of those papers within the stipulated time, then, as directed by the hon. Supreme Court, a report will be filed with the CBI for appropriate inquiry and investigation.

In such a situation, Mr. Deputy Chairman, Sir, I urge the hon. Members of this august body not to draw hasty conclusions and let the House continue with its normal business.

MR. DEPUTY CHAIRMAN: I think, that is over; that's all. Now, we will take up...(Interruptions)...

SHRI RAVI SHANKAR PRASAD (Bihar): Sir, are files between 2006-09 missing or not? ...(Interruptions)... That was the period when you were the Coal Minister, hon. Prime Minister. That is the simple question that we are asking. ...(Interruptions)...

DEPUTY CHAIRMAN:.....(Interruptions)...please sit down,. ...(Interruptions)...
...no.... no(interruptions) ...

SHRI M. VENKAIAH NAIDU (Karnataka): Sir, not even one question has been answered. ...(Interruptions)... Not even one query has been answered. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. ...(Interruptions)... That is all. ...(Interruptions)... Now, Legislative Business. ...(Interruptions)...

DR. V. MAITREYAN: *

MR. DEPUTY CHAIRMAN: Legislative Business. ...(Interruptions)... No, no. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, not even one query has been answered. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Let us take up Legislative Business. ...(Interruptions)... Don't you want to...(Interruptions)... Please, take your seats. ...(Interruptions)...

DR. V. MAITREYAN: *

MR. DEPUTY CHAIRMAN: No, no...(Interruptions)... That is expunged. What Dr. Maitreyan says is expunged. ...(Interruptions)... No, no. That is expunged. ...(Interruptions)... ...(Interruptions)... Please sit down. ...(Interruptions)... No, no. ...(Interruptions)...

*Expunged as ordered by the Chair.

SHRI M. VENKAIAH NAIDU: Sir, not even one question has been answered. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: The hon. Prime Minister came; he replied and now you must cooperate. ...*(Interruptions)*... That was your demand. ...*(Interruptions)*... No, Mr. Maitreya. ...*(Interruptions)*...

DR. V. MAITREYA: Sir, he did not reply. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, Mr. Maitreya. ...*(Interruptions)*... It is for the Prime Minister to reply to what he wants. He cannot reply to satisfy you. ...*(Interruptions)*... He can only reply what he can...*(Interruptions)*... I will have to adjourn the House. ...*(Interruptions)*... Listen to the Minister. ...*(Interruptions)*... Please, listen to the Minister. ...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, the Minister here has said that the reply would come from the Coal Minister. So, let the Coal Minister reply. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: You wanted the Prime Minister to come and reply. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, the Prime Minister has come and replied. What more do you want? ...*(Interruptions)*... Now, please cooperate. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: He has come and replied. What more do you want? ...*(Interruptions)*... Now, please cooperate. ...*(Interruptions)*...

SHRI RAJEEV SHUKLA: He has gone to the Lok Sabha for the same statement. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, he has not answered even one question. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Now, please cooperate. ...*(Interruptions)*... This is not fair. ...*(Interruptions)*... You cannot expect the Prime Minister to say what you want? ...*(Interruptions)*...

SHRI RAJEEV SHUKLA: Your queries will be answered by the Coal Minister. ...*(Interruptions)*...

DR. V. MAITREYAN: He should...(Interruptions)...

MR. DEPUTY CHAIRMAN: He has replied according to his information. He said what he had to say. ...(Interruptions)...

SHRI RAJEEV SHUKLA: They wanted the Prime Minister to be here. He has given it. ...(Interruptions)...

SHRI SITARAM YECHURY: Sir, he has said that the Coal Minister would answer. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Allow the Minister. ...(Interruptions)... Why don't you listen to the Minister? ...(Interruptions)... What do you want?...(Interruptions)... One of you may speak. ...(Interruptions)... What do you want? ...(Interruptions)... One of you speaks. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: We don't want to hear anything from the Parliamentary Affairs Minister. ...(Interruptions)... Questions were raised by the Leader of the Opposition and questions were raised by other Members; not even one question is answered. ...(Interruptions)... He is totally escaping. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: That is your observation. ...(Interruptions)... I will be forced to adjourn the House. ...(Interruptions)... This demand is a not justifiable demand. ...(Interruptions)... The Prime Minister came and replied. ...(Interruptions)... I will be forced to adjourn. ...(Interruptions)...

DR. V. MAITREYAN: He did not reply to our questions. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Don't you want the Bill to be taken up? ...(Interruptions)... What can I do? ...(Interruptions)... I will allow you. ...(Interruptions)...
†00 »000 0Sk.....(30000) ... Ravi Shankarji, what is your point?

SHRI RAVI SHANKAR PRASAD: Sir, my point is very simple. What the hon. Leader of the Opposition and other Members stated is that this massive scam is agitating the people of the country and also the image of India. The Supreme Court is monitoring. We had requested the Prime Minister to come with replies to our specific queries. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: He replied. ...*(Interruptions)*... What do you want? ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: Not even a single question is replied. ...*(Interruptions)*...

DR. V. MAITREYAN: He did not reply to our questions. ...*(Interruptions)*...

SHRI RAVI SHANKAR PRASAD: Now, we are being told that our concerns about Prime Minister's statement shall be addressed by the Coal Minister. Is it the new procedure? That is what Mr. Shukla is saying. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Now you listen to Parliamentary Affairs Minister. ...*(Interruptions)*... I allow him. ...*(Interruptions)*...

DR. V. MAITREYAN: He did not reply to our questions. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Sir, the Prime Minister can only reply according to his version. ...*(Interruptions)*... He cannot reply according to your version. ...*(Interruptions)*... Don't expect that. ...*(Interruptions)*... Your demand is not justifiable. ...*(Interruptions)*... It is not a reasonable demand. ...*(Interruptions)*...

SHRI RAJEEV SHUKLA: The Prime Minister intervened in the matter. ...*(Interruptions)*... Now all the queries will be replied by the Coal Minister. ...*(Interruptions)*... What more they want? ...*(Interruptions)*... The Prime Minister has to come to this House. ...*(Interruptions)*... He has gone to Lok Sabha to make the statement. ...*(Interruptions)*... They are demanding Statement there. ...*(Interruptions)*... He has gone to Lok Sabha. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: The House is adjourned to meet at 2.00 P.M.

The House then adjourned at forty-eight minutes past twelve of the clock.

The House reassembled at two of the clock,

[MR. DEPUTY CHAIRMAN in the Chair].

MR. DEPUTY CHAIRMAN: The Constitution (One Hundred and Twentieth Amendment) Bill....*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Sir, unless the PM comes here to explain all the questions raised by the Opposition, there is no meaning in running this House. We want the Prime Minister to come back.

MR. DEPUTY CHAIRMAN: No, the Prime Minister has explained.

SHRI M. VENKAIAH NAIDU: No, he has not explained. Why do you take the blame? ...*(Interruptions)*...

SHRI RAJEEV SHUKLA: Sir, the Prime Minister only intervened. ...*(Interruptions)*... Did Vajpayeeji come several times like this? ...*(Interruptions)*... Every now and then, you ask for...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: He has totally...*(Interruptions)*... He was totally evasive. He has run away from the debate. There is no explanation at all. We want the Prime Minister to come back and answer all the queries to the satisfaction of the House.

MR. DEPUTY CHAIRMAN: See, it is on your request that the Prime Minister came and he made a Statement and replied. What version he should give is not my job. He gave his version. He may not have satisfied you. What can the Chair do for that? If it is not satisfactory for you, what can the Chair do for that? I cannot do anything.

SHRI RAVI SHANKAR PRASAD: Sir, we have got the highest regard for you in the Chair. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: But, what can the Chair do in this?

SHRI RAVI SHANKAR PRASAD: Just a minute. We had sought accountability from the Prime Minister, not *pro forma* answers. Therefore, the hon. LoP had asked question. The Prime Minister was duty-bound to answer about the biggest scam of independent India. Instead of saying that, he said, "It is hypothetical." The Supreme Court had said that FIR ought to be lodged. Sorry, it was evasive.

MR. DEPUTY CHAIRMAN: He can tell only his version. He cannot tell your version. What can I do? ...*(Interruptions)*...

DR. V. MAITREYAN: But, he should tell the true version. ...*(Interruptions)*...

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SHRI RAVI SHANKAR PRASAD: I am sorry, Sir, as the Deputy Chairman, you should not say that. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Can I ask the Prime Minister to reply in a particular way? ...*(Interruptions)*...

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
AND THE MINISTER OF LAW AND JUSTICE (SHRI KAPIL SIBAL): You sit down.
...(Interruptions)...

SHRI RAVI SHANKAR PRASAD: You cannot speak like this. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No; please sit down. ...*(Interruptions)*... The House is adjourned for 15 minutes.

The House then adjourned at three minutes past two of the clock.

The House reassembled at eighteen minutes past two of the clock

[MR. DEPUTY CHAIRMAN in the Chair].

MR. DEPUTY CHAIRMAN: Legislative Business. ..(Interruptions)..

SHRI M. VENKAIAH NAIDU: Sir, without the Prime Minister coming here, nothing will...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Let us take up The Constitution (One Hundred and Twentieth Amendment) Bill, 2013. *..(Interruptions)..* The Judicial Appointments Commission Bill, 2013. *..(Interruptions)..*

SHRI M. VENKAIAH NAIDU: Sir, the entire country is agitated. *..(Interruptions)..* An amount of Rs. 1,84,000 crore is not an ordinary amount. If the Parliament.. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: That is over. *..(Interruptions)..* It has been discussed. *..(Interruptions)..* Clarifications are over.

SHRI M. VENKAIAH NAIDU: Sir, the files are over. *..(Interruptions)..* The scam is over. *..(Interruptions)..* The scandal is over. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: The Prime Minister has replied on your own demand.

SHRI RAVI SHANKAR PRASAD: Mr. Deputy Chairman, Sir, the Prime Minister has not... *..(Interruptions)..*

DR. V. MAITREYAN: Sir, the clarifications sought... *..(Interruptions)..*

SHRI M. VENKAIAH NAIDU: Sir, I request the Deputy Chairman not to come to the rescue of the Government. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: I am not rescuing anybody. *..(Interruptions)..* How can I rescue anybody?

SHRI M. VENKAIAH NAIDU: Please leave it between us and the Government. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: What can I do? You tell me. *..(Interruptions)..* What can I do? *..(Interruptions)..*

DR. V. MAITREYAN: Please direct the Government to bring the Prime Minister. *..(Interruptions)..*

MR. DEPUTY CHAIRMAN: That is why the Prime Minister came and replied. *..(Interruptions)..* That is how the Prime Minister came and replied on your own demand. *..(Interruptions)..*

DR. V. MAITREYAN: But he did not clarify... ..(Interruptions)..

DR. V. MAITREYAN: Sir, our questions have not been..

SHRI RAVI SHANKAR PRASAD: Sir, our questions have not been.. ..(Interruptions)..

MR. DEPUTY CHAIRMAN: It is not my job to ask the Prime Minister to reply in a particular way. ..(Interruptions)..

MR. DEPUTY CHAIRMAN: See, Venkaiahji, please. ..(Interruptions).. Venkaiahji,

please. Venkaiahji, as Deputy Chairman, I cannot ask the hon. Prime Minister or the Leader of the Opposition or, for that matter, any Member of this House to say or speak in a particular way. It is up to them. You wanted the hon. Prime Minister to come and give reply to the clarifications. Hon. Prime Minister came and replied. What more can I do? ..(Interruptions).. What more can I do? ..(Interruptions)..

SHRI M. VENKAIAH NAIDU: I will only urge upon the Chair please allow us to have our say. Let the Government respond simply because the Prime Minister came and said something without answering any of the queries raised by the Leader of the Opposition and Members of the other parties. ..(Interruptions).. Please bear with me. The Supreme Court is monitoring the case. One Minister has to resign and then files are missing.

MR. DEPUTY CHAIRMAN: We have discussed this umpteen times.

SHRI M. VENKAIAH NAIDU: What did we discuss? What is the meaning of discussing? Where is the reply? ..(Interruptions).. There is no reply. ..(Interruptions)..

SHRI RAJEEV SHUKLA: Sir, I will respond. ..(Interruptions).. I will respond to the Chairman. ..(Interruptions)..

MR. DEPUTY CHAIRMAN: Now, listen to the Minister. ..(Interruptions).. Why don't you listen to the Minister? ..(Interruptions).. Let us hear the Minister. ..(Interruptions).. Please cooperate. ..(Interruptions).. Let us hear the Minister. ..(Interruptions).. Please. ..(Interruptions)..

MR. DEPUTY CHAIRMAN: Don't you want the Constitution Amendment Bill to be taken up? ...*(Interruptions)*... The House is adjourned to meet at 11.00 A.M. on Wednesday, the 4th September 2013.

The House then adjourned at two minutes past three of the clock till eleven of the clock on Wednesday, the 4th September, 2013.