

(c) Does not arise.

2.00 hrs.

QUESTION OF PRIVILEGE

**Alleged Censoring of Information
Given to the Joint Parliamentary
Committee on the Security Scam By the
Government**

[Translation]

SHRI LAL K. ADVANI (Gandhi Nagar): Mr. Speaker, Sir, this year the most deplorable incident for the House has been the security scam or the share scam. This august House had set up a Joint Parliamentary Committee to probe this Scam. This Committee will present its report by the end of this session as per its term. Generally, a Parliamentary Committee is never discussed in the House, but with your permission, especially because one of my colleagues.....

MR. SPEAKER: I did not allow him.

SHRI LAL K. ADVANI: My colleague gave a notice regarding the breach of Privilege to which you did not give your permission, but I am not raising any question regarding that. I would like to submit that it is not proper that we may get information regarding all these happenings through newspapers. This is not good. It has appeared in certain newspapers today, that the joint Parliamentary Committee probing the scam had sought certain information from the Government. But the information supplied to it on this request was doctored, censored and certain portions of the documents submitted to the committee were blackened with ink. From it we have reached the conclusion. (Interruptions)

[English]

SHRI PAWAN KUMAR BANSAL (Chandigarh): Mr. Speaker, Sir, I have a point of order. (Interruptions)

MR. SPEAKER: I will hear his point of

order.

SHRI RAM VILAS PASWAN (Ropara): What is his point of order? There is no point of order in zero hour. You can allow him; but there is no point of order. (Interruptions)

MR. SPEAKER: I have allowed.

(Interruptions)

MR. SPEAKER: Please sit down. It is not like this. The working of the J.P.C. and the working of the House have to be done according to certain rules and if I have allowed a matter to be raised here, I have allowed the matter to be raised here because the hon. Members look into it and then raise it. This is not an issue limited to one incident. This is an issue related to the working of the J.P.C. and the House. So, I would like to hear from him. You can also reply if you want to.

(Interruptions)

SHRI RAM VILAS PASWAN: You can hear him; but that is not a point of order.

(Interruptions)

MR. SPEAKER: I am allowing the point of order.

(Interruptions)

MR. SPEAKER: I am allowing it as a point of order. I will allow you to say your point on that point of order.

(Interruptions)

[Translation]

SHRI NITISH KUMAR (Barh): You must listen to him. But you will have to listen to also.

[English]

MR. SPEAKER: I will allow you to enlighten the House on that point of order.

(Interruptions)

SHRI RAM NAIK (Bombay North):
There is no business before the House.
Where is the point of order?

SHRI AMAL DATTA (Diamond Harbour): Sir, the government is failing in its duty to supply information to a committee set up by this Parliament. (Interruptions)

SHRI PAWAN KUMAR BANSAL: Sir, I will be referring to specific rules while formulating my point of order. (Interruptions)

I request Shri Amal Datta to kindly permit me to speak. (Interruptions) Sir, I will first seek your indulgence to refer to Rule 275, sub rules (2) and (3) of the Rules of Procedure and Conduct of Business in Lok Sabha. It is mentioned in page 109. Rule 275 (2) reads as follows:

"No part of the evidence, oral or written, report or proceedings of the Committee which has not been laid on the Table shall be open to inspection by any one except under the authority of the Speaker".

(Interruptions)

SHRI RAM VILAS PASWAN: This is no point of order. (Interruptions)

[Translation]

The Committee is being obstructed from giving its division. (Interruptions)

[English]

SHRI PAWAN KUMAR BANSAL: Kindly bear with me. I will make my point.

(Interruptions)

SHRI AMAL DATTA: Sir, there is no point of order in that. (Interruptions)

MR. SPEAKER: Please resume your seat. I will allow you to speak on that.

(Interruptions)

SHRI AMAL DATTA: There is no point of

order in respect of this issue.

SHRI PAWAN KUMAR BANSAL: I do not have to be taught by you. (Interruptions)

SHRI AMAL DATTA: There is no point of order on that. (Interruptions)

MR. SPEAKER: Note the point. You can argue on that.

SHRI PAWAN KUMAR BANSAL: Sub-rule (3) of rule 275 says:

"The evidence given before a Committee shall not be published by any member of the Committee or any other person until it has been laid on the Table:

Provided that the Speaker may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the Table."

This is one rule. The second rule that I would like to refer before I make my argument is..... (Interruptions).

Kindly have the patience, just hear me. (Interruptions).

Sub-rule (vi) of Rules 58 says:

"The motion shall not anticipate a matter, which has been previously appointed for consideration. In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time."

The last rule that I would like to quote is Rule 343 again regarding anticipating the discussion and it says:

"No member shall anticipate the discussion of any subject of which notice has been given provided that in determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House

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within a reasonable time."

These are the rules that I was referring to. Now, the first submission that I would like to make is that admittedly some evidence was brought before the committee, Sir, the Joint Parliamentary Committee on authorisation by this hon. House is going into the matter. And evidence which should not have been published has been published. And Sir, at this juncture.

SHRI AMAL DATTA: Who is he to decide?

SHRI PAWAN KUMAR BANSAL: This is the rule which is saying. I do not have that authority, I don't arrogate that authority to myself, I never will. This is the rule that I am referring to.

SHRI AMAL DATTA: You said just now that should not have been published.

(Interruptions)

SHRI PAWAN KUMAR BANSAL: The hon. Member has been the Chairman of a Committee. I do not know how the meetings were conducted, I am sure he knows the rules concerning the regulation of the Joint Parliamentary Committees, rules regarding the evidence being adduced before the Committees and the role of the Speaker and the House in those matters. That is all that I am referring to. Nothing I want to arrogate to myself. In this case I was saying it that the evidence is before the Committee itself and the evidence which is found mentioned in the papers today has not been given to the media by the Committee as such and, Sir, till the time that evidence is laid on the Table of this House, we are not supposed to be discussing that because we will be, in that case, making inroads into the functioning of the Joint Parliamentary Committee which has been authorised by us to go into the entire scam, wise issue,

The second point that I have to make is regarding anticipating a matter. Sir, in this case, as honourable Advaniji himself referred to, the mandate to the Committee is that the

Committee has to submit report by the last day of the current Session. That matter as such is under the consideration of this Committee and if you permit a discussion on this today, we are, we are anticipating a discussion on a subject which is not permitted by the rules. Therefore, I would submit that till the Joint Parliamentary Committee discusses the matter, places the report before us, it is for the Joint Parliamentary Committee to haul up a witness for any reason because the rules also say that any witness appearing before a Joint Parliamentary Committee can be called upon to sawar on oath before tendering evidence. He holds himself liable for any perjury, for anything wrong that goes on there. Till then, we have to keep our hands off. That is my humble submission.

[Translation]

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, we are not going into the merits as to what the J.P.C is investigating and what not. But the issue is only this that the J.P.C has been appointed by the Parliament and today a news-item has appeared on the front page of a newspaper from which it appears that the front page of a newspaper from which it appears that the J.P.C is being obstructed obstructed from performing its task or duty? and run on the information sought by the J.P.C stet being supplied to it and the Ministry of Finance is also involved in it. The Ministry of Finance is deliberately. *(Interruptions)*

MR. SPEAKER: Look, not like this. I will not allow it.

(Interruptions)

[English]

SHRI RAM VILAS PASWAN: You go through the paper. This is the main point.

MR. SPEAKER: I will go by the book. You tell me whether whatever happens in the J.P.C. can be discussed here.

(Interruptions)

SHRI RAM VILAS PASWAN: Sir, this issue is being raised here because you have not allowed the Privilege Motion to be moved. Had you allowed this Privilege Motion, this issue would have not been raised here.

MR. SPEAKER: You tell me whether whatever happens in the J.P.C. can be discussed here and if so, under what rule this can be discussed?

SHRI RAM VIALS PASWAN: Sir, we are saying only this much that the J.P.C. is being obstructed from functioning.

MR. SPEAKER: He has raised the Point of Order according to rule and I have asked you to reply to it. He says that whatever has happened in the J.P.C. or whatever the hon. Members of JPC want to do, they are free to do that. It need not be raised here. If you say that it can be raised here, then you please tell me under what rule this can be raised here.

(Interruptions)

[English]

MR. SPEAKER: I will allow each one of you if you want to make any point regarding this matter.

(Interruptions)

[Translation]

SHRI NITISH KUMAR: Mr. Speaker, Sir, the Point of Order raised by the hon. Member Shri bansal. (Interruptions)

MR. SPEAKER: Look, I tell you the Point of Order.

(Interruptions)

SHRI NITISH KUMAR: Sir, I have understood the Point of Order.

MR. SPEAKER: No, first hear his Point of Order. He says that the members of the J.P.C. are fully empowered to take decision

on whatever is happening in the J.P.C. We can discuss in the House on an evidence received by the J.P.C. only when it has been tabled here. You cannot discuss it before its report is laid on the Table of the House. It is what he wants to say. If you want to discuss it here, before it, report is laid on the Table of the House, please mention the rule under which it can be done.

SHRI NITISH KUMAR: Mr. Speaker, Sir, regarding the three rules quoted by the hon. Member Shri Bansal, my submission is that first we want to thank you for allowing to raise the Point of Order during the zero Hour on the issue raised by the hon. Member of Opposition as we will also now be able to raise such issues during the Zero Hour in future and it would become a convention.

MR. SPEAKER: The Zero Hour does not mean that we should ignore all the rules to transact business. It is not like this.

(Interruptions)

SHRI NITISH KUMAR: Mr. Speaker, Sir, while raising the Point of Order, the hon. Member has quoted three rules. These rules have been exercised on the issue which Shri Advani has raised and other hon. Members too want to raise. The rules quoted here are not relevant. The Point of Order is not relevant at all.

MR. SPEAKER: I have asked you to tell me the rule under which you can discuss the J.P.C.

SHRI NITISH KUMAR: Mr. Speaker, Sir, please listen to me. We are not interfering with the functioning of the J.P.C. Whatever has appeared in the newspaper, from that it appears that the J.P.C. is not being allowed to function properly, and since the J.P.C. has been set up by Parliament it is the responsibility of the Parliament to see whether the J.P.C. is being allowed to function properly or not. It is our fundamental question. Since, the J.P.C. is not being allowed to function properly, the Parliament must look into it. This is our main point. (Interruptions)

MR. SPEAKER: I am not allowing this kind of thing. This is not correct. (*Interruptions*)

SHRI AMAL DATTA: Sir, I am on the point of obligation of the Government to give information to any Committee set up by the Parliament, not only the J.P.C. (*Interruptions*)

MR. SPEAKER: You are a very senior, knowledgeable Member who has a very good understanding of the rules and procedures. Let me know under which rule you can discuss a matter or this kind on the floor of the House.

SHRI AMAL DATTA: Sir, I want this to be brought to the attention of yourself and the House that the Government is behaving in a most unconstitutional manner in denying information or withholding information or censoring information to be supplied to a Committee set up by this House. We have not got this information by sneaking into the J.P.C.'s functioning. This information has come to us through the papers. It has come to everybody in India. Now, the citizens want us and expect us to take up this matter in the House today, because if we do not do that, we will be failing in our duty to the people who have elected us and sent us here. Are we to keep mum when we find that the Government is not discharging its duty? The Finance Minister is here. Let him assure us that nothing untoward has been done, that all the information have been supplied and will be supplied in future. That is the right of the Parliamentary Committee. (*Interruptions*)

[*Translation*]

SHRI LAL. K. ADVANI: Mr. Speaker, Sir, Shri Bansal has raised a point of order to which I would have spontaneously agreed, had it been just another Parliamentary Committee. But, Mr. Speaker, Sir, you may remember that at the time of the constitution of the Joint Parliamentary Committee, many of us had expressed the opinion that if we want the Committee to seriously delve deep into the matter, then this Committee's worth

should not be limited by technical restrictions, as had been the case with all the earlier Committees. In contrast to all earlier conventions and traditions, even the issue of summoning the Minister for evidence before the Committee was discussed. Keeping its importance in mind, you yourself had incorporated a provision in the resolution, under which this committee has been empowered to function with the prior permission of the Hon'ble Speaker, outside those parameters so far applicable to Parliamentary Committees.

So, far as I know, there has never been a Parliamentary Committee, whose chairman briefed the Press, officially. He has been briefing the Press daily, a unmindful of the fact that the Parliament is being kept in the dark. I am not objecting to it because according to the Rules, to which a reference has been made just now, the Chairman of a Parliamentary Committee is not empowered to brief the Press, about its proceedings, unless and until a Report in that regard is not placed on the Table of the House. It has not been placed on the Table of the House. We are not aware of the proceedings, but the nation is being made aware of it because there is a lot of anxiety and concern in the minds of the people. Therefore, I am not raising this matter on technical grounds. I am not objecting to the manner in which Parliamentary Committees have been functioning so far. On two occasions, it has been observed that the Finance Ministry is putting obstacles in the proper functioning of the Committee. This issue has been raised earlier and it has come up for the second time today, due to which I would like the Finance Ministry and not the Chairman of the J.P.C., to make a statement in the House on the matter about which the Chairman intends to brief the Press.

The hon'ble Minister of Finance is present in the House. I had verified from a Party colleague about the factual position vis-a-vis the statement that has appeared in the Press today on the basis of which the hon. Member gave a notice for Privilege motion, but you have not accepted it. When I inquired about the facts, I found that the Reserve Bank had

actually given a Report, whose many portions were found to be darkened by black ink, upon its return from the Finance Ministry and people have drawn some inference, after comparing the same with the original. Shri Rabi Ray had seen the original somewhere and after comparison, it seemed obvious, that an attempt is being made to protect some people. It is not in the interest of the Finance Ministry or the Government, that such an impression gaining ground and therefore, through you, I request the Ministry of Finance, that the hon. Finance Minister make the necessary clarifications, before the House, in this regard. The newspapers will publish the statements of the J.P.C. Chairman. Therefore, it is my humble request.

[English]

MR. SPEAKER: Is the Government interested in commenting? Just a minute.

SHRI RAM NAIK (Bombay North): You have disallowed my privilege motion and not allowed me to raise the matter here.

MR. SPEAKER: You are on a point of order now.

SHRI RAM NAIK: After the discussion, if you allow me to say something, I would like to say. Otherwise whatever Mr. Advani has said, I am in full agreement to it and I do not wish to add anything more.

But I would request you to reconsider your decision on the privilege notice.

MR. SPEAKER: I will give a ruling.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: (Lucknow) : Mr. Speaker, Sir, I would also like to say something.

MR. SPEAKER: I will listen to you as well.

SHRI ATAL BIHARI VAJPAYEE: I would like to raise such an issue, on which the House would like to know your decision.

MR. SPEAKER: I will give my decision.

SHRI ATAL BIHARI VAJPAYEE: The hon. Minister is nowhere in the picture now.

(Interruptions)

MR. SPEAKER: If the hon. Members want to speak on the point of order.

(Interruptions)

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, how will this Parliamentary Committee function. (Interruptions)

MR. SPEAKER: This hon. Minister may speak on the Point of Order, if he desires.

SHRI ATAL BIHARI VAJPAYEE: If the hon. Minister says that there cannot be a discussion at the moment in the House on the committee, its proceedings and news items related to it. (Interruptions)

MR. SPEAKER: Correct.

SHRI ATAL BIHARI VAJPAYEE: I am presenting another aspect, which is not related to this.

MR. SPEAKER: Alright.

SHRI ATAL BIHARI VAJPAYEE: You know that you have appointed me as the Chairman of the Public Accounts Committee.

MR. SPEAKER: I will listen to whatever you say.

SHRI ATAL BIHARI VAJPAYEE: You won't regret it.

MR. SPEAKER: I won't regret it at all. Rather, I am proud of it.

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, I have been the Chairman of the Public Accounts Committee. I have also had the opportunity to work with several Joint Parliamentary Committees. You are aware that at times, the Government doesn't disclose certain information to the House

and also Parliamentary Committees, which enjoy equal powers, on the grounds that the disclosure of such information won't be in public interest. Some similar matters were sent to the Presiding officer and their decision was taken as final. The Parliamentary Committees enjoy those very powers enjoyed by the House. Now in the present case, I see that information is being provided but they are incomplete and facts are being hidden. If the Government wants to cover up some bungling, then it can say that it is not in the public interest to disclose certain things before the Committee and the House. But, I don't think they are deleting the information and wiping it out by darkening it on the grounds that it is not in the public interest to do so. The issue of public interest has not been raised. Then why did they refuse to divulge the information? What is the reason behind it? The hon. Minister may kindly inform the House whether it is not in the public interest to disclose the names of the people involved in the scam. (Interruptions)

[English]

SHRI SRIKANTA JENA (Cuttack): Is the hon. Minister going to respond the issue raised on point of order? Will the Minister of Finance respond to only the point of order raised by hon. Member?

MR. SPEAKER: Yes . On the point of order.

SHRI SRIKANTA JENA: Not on the demand. On that, let me submit my point please.

MR. SPEAKER: Now I have taken decision. Please don't ask now. I am saying that this is an important point. Let it be first decided. Then we come to the next issue.

SHRI HANNAN MOLLAH (Uluberia): I am on a point of order.

MR. SPEAKER: Why? It is not necessary. I am fully enlightened now.

SHRI HANNAN MOI LAH: On the point of order, Sir. For the first time, one

Parliamentary Committee decided whether they will allow Press to be present in the proceedings. But in their wisdom, they decided not to allow. But they could allow. Such a precedent is not there in our Parliamentary Committee system. This is a deviation from that rule.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD):

MR. SPEAKER, Sir.

(Interruptions)

MR. SPEAKER: Anybody on behalf of Government can reply.

(Interruptions)

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH): Mr. Speaker, Sir, I would like you to give, I think, ruling on the point of order that has been raised. Without going into that subject, I would like to repudiate any suggestion that the Ministry of Finance is party to or guilty of suppressing any information which ought to be made available to the JPC. I would like to say to you, Sir, you should ask the Chairman of the joint parliamentary Committee in this matter before this matter is brought up for discussion. (Interruptions)

SHRI BASUDEB ACHARIA (Bankura): Are you contradicting this report? (Interruptions)

MR. SPEAKER: Well, it is really very refreshing to hear.

(Interruptions)

MR. SPEAKER: I am standing for that purpose only. Now it is really very refreshing to watch the battle of wits here.

It is more profitable to have discussion like this than having discussions together on a point of order.

(Interruptions)

MR. SPEAKER: Well, I appreciate the concerns felt by the Members in matters like this also. I am not deprecating their intention to get as much information before the Committee or the House or before the people also. One of the things which has to be borne in our minds is that the JPC is a mini-Parliament and all the authority that is available to the Parliament is available to the Committee also. As is rightly pointed out by Shri Pawan Kumar Bansal, the Rule 275 (3) says:

"The evidence given before a Committee shall not be published by any Member of the Committee or by any other person until it has been laid on the Table."

Now, this is something, you know, which is really very important. Here, we are discussing the evidence given before the Committee.

SHRI SAIEUDDIN CHOUDHURY (Katwa): This is not the evidence given before the Committee.

MR. SPEAKER: Let me complete. Now, the Members are saying that something has not been given to them.

(Interruptions)

MR. SPEAKER: Well, I do not know whether a matter of this kind can be raised on the floor of the House and can be discussed by us.

(Interruptions)

MR. SPEAKER: Please do not interrupt me like this. I am formulating a very important question which will be helpful to you also. You are sitting in the Committee. Now, the question has been very rightly raised by Shri Advaniji.

(Interruptions)

MR. SPEAKER: Shri Advaniji says that if the matter can be brought to the notice of the newspaper, why should it not be brought to the notice of the House also. In all fairness

to the Chairman, I must say that he has said that if the evidence is brought before the JPC, if the Press is sometimes eager to know what is happening in the JPC, and if they are not properly guided in such matters, there will be reports contradictory and then it may become necessary for us to explain all those things, so, without disclosing the evidences as such, we can give some idea as to what is happening so that there may not be contradictory reports in the newspapers and later on it may not become necessary for them to contradict. They had said that they would take a decision with respect to that in the Committee. Probably, they have taken the decision in the committee. I have no idea about it. But in all fairness to the Committee, it must be said that they probably did it to dispel any kind of miscomprehension about the working of the evidence that is brought before the Committee. Probably it is not strictly in accordance with the rules and yet they probably wanted to dispel any misunderstanding and did not want to see that there is some matter in the newspaper. But I would say that no Member of the Committee should go to the Press. If it is possible for the Committee and in their wisdom they want to decide that nobody should brief the Press also.

SHRI MURALI DEQRA (Bombay South): Everyday, briefing is taking place. (Interruptions)

MR. SPEAKER: If you have to say, then I am disturbed. If they decide in the Committee not to go to the Press, they can decide that. If they want to decide in the committee to brief the Press briefly, I will leave it to them. I will not say that do this thing or do that thing. The House will not say that do this thing or to that thing. But now what is happening here? In this case, if the matter is before the CBI, if the matter is before the Committee, if the matter is before the Privileges Committee, if the matter is before the House also, if these agencies have to take the decision in a proper manner, then they would require the documents before them. If the documents are not before them, they may not be able to decide also properly. Supposing, we allow the documents to be settled from one agency

to the other agency, then the time required to take a decision also will be very short. That is why, I would leave that to the Committee to take a decision. I am of the view that the Committee has all the right and authority which the House has. The Committee will be guided by what is given in the Civil Procedure Code and the Law of Evidence. The Committee can ask the documents to be produced. If there is something in the documents which is erased, the Committee can ask what was it which was erased. And the officers will be duty-bound to produce those things before the Committee. And if they take a plea that it is not in the public interest that those things cannot be produced, then it is the Speaker who will take a final decision whether that should be produced or not. That stage has not yet come.

One more thing. If the Law of Evidence is applicable, if the Civil Procedure Code is applicable, if the persons is required to produce a document before an agency or before an authority or before a court or before a committee and if that person, for no reason is producing those documents before a committee, then the adverse inference against that agency which has not produced the document also can be drawn. In the judgement, the Committee would be entitled to say that this documents should have been produced, this information should have been given which has not been given and that is why, the Committee has a doubt that there is something wrong in it. In ultimate judgement, they would be pronouncing that all these things can be taken. I would request that, in the interest of the working of the Committees and in the interest of the practice we are following in the House also, such matters should not be raised on the floor of the Houses, although you are very much right to feel concerned about it. I do not deprecate it. I appreciate it. Yet in the interest of the procedure we should avoid taking it out.

(Interruptions)

SHRI BASUDEB ACHARIA (Bankura): But the matter has appeared in the newspaper. (Interruptions)

12. 32 hrs

RE. DISSOLUTION OF THE DULY
ELECTED AUTONOMOUS DISTRICT
COUNCIL OF KARBIANG LONG LONG
BY THE GOVERNMENT OF ASSAM

[English]

DR. JAYANTARONGPI (Autonomous district): Mr. Speaker, Sir, on the 13th of this month, the Government of Assam dissolved the duly elected autonomous District Council of Karbianglong. I have raised this issue not because I represent that constituency, I have raised this issue because it has got very wider implications in the entire ethnic question of the North-East India.

This Council belongs to such a place, that is, Karbianglong and North Cachar Hills, which has got a history. During the British period when the Britishers were about to go, so many hill tribal floated different demands right from succession to a separate State or even the concept of a 'Crown Colony'. That is the status which Hong Kong enjoys now. Even if there was concern, people of this district overwhelmingly decided and pleaded that they wanted to be within Assam with proper autonomy. This is a place where people at the time of the Constituent Assembly advocated that they would be within Assam with proper autonomy. This is very rare in the scenario of North-East India and the hilly tribals. They have been demanding either separation from the North-East India or they have been demanding a separate State (Interruptions)

MR. SPEAKER: We have decided that one Member will raise one issue.

DR. JAYANTA RONGPI: At the time of the reorganisation of Assam, the people of karbianglong said, "no, we do not want a separate State, we do not want Meghalaya, we do not want Nagaland, we do not want to be a separate State. We want to remain within Assam with proper autonomy." And a future provision was kept in the Constitution in Article 244(a) by a creation of an