

Seventeenth Loksabha

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Title: Regarding Suspension of Rule 205 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to discuss the Budget for 2022-23 and Supplementary Demands for Grants for 2021-22. (Motion adopted).

THE MINISTER OF FINANCE AND MINISTER OF CORPORATE AFFAIRS (SHRIMATI NIRMALA SITHARAMAN): I beg to move:

“That this House do suspend rule 205 of the Rules of Procedure and Conduct of Business in Lok Sabha, which provides that there shall be no discussion of the Budget on the day it is presented to the House, in its application to discussion of the Budget for 2022-23 and Supplementary Demands for Grants for 2021-22 of the Government of Union Territory of Jammu and Kashmir, to enable same day presentation of and discussion on the Budget. ”

HON. CHAIRPERSON : Motion moved:

“That this House do suspend rule 205 of the Rules of Procedure and Conduct of Business in Lok Sabha, which provides that there shall be no discussion of the Budget on the day it is presented to the House, in its application to discussion of the Budget for 2022-23 and Supplementary Demands for Grants for 2021-22 of the Government of Union Territory of Jammu and Kashmir, to enable same day presentation of and discussion on the Budget.”

SHRI MANISH TEWARI (ANANDPUR SAHIB): Mr. Chairperson, Sir, I rise to oppose this Motion. If we look at Rule 205, Rule 205 says, ‘there shall’. The word used is ‘shall’. There shall be no discussion of Budget on the day on which it is presented in the House.

Mr. Chairperson, Sir, while Rule 88 provides for Suspension of Rules on a Motion moved by any Member, my submission is that there are certain Rules which form the basic structure of the Rules of Procedure and Conduct of Business in this House. Therefore, these are beyond the amending power of the House.

Similarly, like certain features of the Constitution which have been held by the Supreme Court in Kesavananda Bharti's case to be beyond the amending power of article 368, which applies to this House; there are certain rules which are sacrosanct. It is because the scrutiny of Budgets is the primary responsibility of this House and in the case of Jammu and Kashmir which does not have an elected Legislature, and this House substitutes itself for the Legislature of Jammu and Kashmir, that duty becomes far more compounded. Therefore, under those circumstances, my objections are two-fold.

My first objection is this. I want a ruling from the Chair whether rule 205 is within the scope of amendment as proposed by rule 388, or it is beyond the amending power because it constitutes the basic structure of these rules.

My second submission is that the Budget which the hon. Finance Minister has presented is a serious document; it is an important document. We should be given time to study it. Therefore, heavens will not fall if we do not have the discussion now. We do not even have the Budget in front of us. We do not have the papers in front of us. What are we supposed to discuss in the House when we do not even have the papers in front of us? If this Motion is carried and the rule is suspended, then what is this House going to discuss? Where are the papers? Where is the Budget?

So, under those circumstances, my submission is that heavens will not fall and please allow us time and let us have this discussion tomorrow. More important than that, I want a ruling from the Chair whether rule 205 can at all be suspended because it constitutes the basic structure of the rules.

SHRI N. K. PREMACHANDRAN (KOLLAM): Hon. Chairperson, Sir, thank you. I have given notice of my objection for allowing this Motion of rule 205 of the Rules of Procedure and Conduct of Business. I fully support the observations made by Shri Manish Tewari ji. Regarding rule 205 I would like to submit that it is specifically mentioned that 'there shall not be'. I would like to reiterate rule 205, which says, "There shall be no discussion of the Budget on the day on which it is presented to the House". Today, the hon. Finance Minister has presented the Budget of Jammu and Kashmir for the year 2022-23. We fully agree with it. But there cannot be a discussion on the same subject matter today.

That is my first observation. It is because the Constitution of India provides for the scrupulous scrutiny of each and every penny which is being spent out of the Consolidated Fund of India. It has to be approved by the Parliament. Each and every

penny spent out of the Consolidated Fund of India has to be approved by this Parliament. This is the right of the Parliament and the right of the Members of this House. We do not have a Budget. Just now the Budget has been presented. We do not have the copy of the Budget. Now we have to go to the Publication counter and get the copy of the Budget and see whether the interests of the people of Jammu and Kashmir are being protected or not. So, by no means can this Motion be allowed to go through. That is my first point.

Secondly, I have an objection arising out of rule 215 and 216 and for this I am seeking a ruling from the Chair. The List of Business for today shows that if item No. 23 is carried through, then item nos. 24 to 26 will be taken together for discussion. If this motion is carried by this House, then we are also going to take up item Nos. 24 to 26 together. I would like to refer to rule 215 and rule 216 of the Rules of Procedure.

Rule 216 says:

“216. The debate on the supplementary grants shall be confined to the items constituting the same and no discussion may be raised on the original grants nor policy underlying them save in so far as it may be necessary to explain or illustrate the particular items under discussion.”

Sir, rule 216 is very clear that the original Demands for Grants shall never be discussed with the Supplementary Demands for Grants. Yes, I do accept if the Speaker has suspended the rule. The Speaker has ample right to suspend the rule to which I agree but there is a specific provision in the Rules of Procedure and Conduct of Business by virtue of rule 216. The original Demands for Grants shall never be discussed with the Supplementary for Grants.

Kindly see the item which says that the original Demands for Grants for the Budget is there and along with that, Supplementary Demands for Grants is also there. Supplementary Demands for Grants and original Demands for Grants are never discussed together. That is stated in Rule 216.

Rule 205 is a mandatory provision by virtue of the Constitution of India. It is having a constitutional backing also because Budget is the annual revenue and expenditure statement and a scrupulous scrutiny of Budget provisions is required for which time is required.

Hence, my submission is, in no way, can this Motion be carried. I strongly oppose this Motion.

SHRI MANISH TEWARI : Sir, there should be Division.... (*Interruptions*)

माननीय सभापति : माननीय सदस्यगण, आपने अपनी आपत्ति दर्ज कर दी है। आज की बिजनेस के अन्दर यदि यह एजेंडा स्वीकृत हुआ है तो निश्चित रूप से यह माननीय अध्यक्ष जी की अनुमति से स्वीकृत हुआ है। जैसा कि ऑनरेबल मेम्बर ने भी कहा है कि यह उनका अधिकार है, इसलिए इस पर ज्यादा चर्चा करना उचित नहीं है। आपने आपत्ति दर्ज कर दी।

... (व्यवधान)

माननीय सभापति : प्रश्न यह है :

“कि यह सभा लोक सभा के प्रक्रिया तथा कार्य-संचालन नियम के नियम 205, जिसमें उपबंध है कि बजट पर उस दिन कोई चर्चा नहीं होगी, जिस दिन इसे सभा में प्रस्तुत किया जाता है, को इसके जम्मू और कश्मीर संघ राज्य क्षेत्र सरकार के वर्ष 2022-23 के बजट तथा वर्ष 2021-22 की अनुदानों की अनुपूरक माँगों पर चर्चा पर लागू करने के संबंध में निलंबित करती है ताकि बजट को उसी दिन प्रस्तुत किया जा सके और उस पर चर्चा की जा सके।”

प्रस्ताव स्वीकृत हुआ।

... (व्यवधान)

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, please give a ruling on this matter..... (*Interruptions*)

HON. CHAIRPERSON: I have given my ruling. मैंने यह कहा कि यदि ऑनरेबल स्पीकर ने इसे एजेंडा में लिया है तो यह फाइनल है। आपने भी इस बात को कहा है कि यह उनका अधिकार है। उस अधिकार को मानित करना ही चाहिए, उस पर कोई चर्चा की आवश्यकता नहीं है।

... (व्यवधान)

SHRI T. R. BAALU (SRIPERUMBUDUR): Sir, the Government of India is the largest employer of the country.... (*Interruptions*)

माननीय सभापति : जब उस पर चर्चा होगी, तब बोलिएगा।