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Title: Motion for suspension of Rule 205 (Motion Adopted).

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY):
I beg to move the following:

"That Rule 205 of the Rules of Procedure and Conduct of Business in Lok Sabha, insofar as it requires that there shall be no discussion of the Budget on the day on which it is presented to the House, be suspended, in its application to discussion of the Budget of the State of Uttarakhand for 2016-17 to enable same day presentation of and discussion on the Budget."

HON. SPEAKER: The question is:

"That Rule 205 of the Rules of Procedure and Conduct of Business in Lok Sabha, insofar as it requires that there shall be no discussion of the Budget on the day on which it is presented to the House, be suspended, in its application to discussion of the Budget of the State of Uttarakhand for 2016-17 to enable same day presentation of and discussion on the Budget."

The motion was adopted.

...(Interruptions)

HON. SPEAKER: We will now take up item Nos. 15 and 16 together.

SHRI MALLIKARJUN KHARGE (GULBARGA): Madam, I am on a point of order. You cannot suspend the Rule like that.

Rule 388 says:

"Any Member may with the consent of the Speaker move that any rule be suspended in its application to a particular Motion before the House. And if the motion is carried, the rule in question shall be suspended for the time being."

Here, rule 388 says about any Member. These rules are meant only for this House and a Member of this House can move this and not the Member of the other House. With great respect to Shri Arun Jaitley, he is a Member of Rajya Sabha. He cannot move this Motion under Rule 388. *...(Interruptions)* Under Rule 388 he cannot move it. Had it been 'any Member' or 'Minister' then he could have moved it. But here it only says 'any Member'. So 'any Member' means 'any Member' of this House as these rules are meant only for this House not for Rajya Sabha. So, this is one aspect.

Another aspect is this. I know that he is going to take the support of Rule 2. Rule 2 says, "A Member means a Member of the House of People, Lok Sabha". So, according to that definition, he should be a Member of Lok Sabha. It won't apply for others.

Therefore, my objection is that he does not have any authority to move this Motion for suspension of Rule 205. So, that is very wrong. I want a ruling on this. Then, we can proceed for discussion.

SHRI ARUN JAITLEY: Under the constitutional scheme, a Minister can be a Member of either House of Parliament with the right of audience in both Houses of Parliament. You please refer to Rule 2. Shri Kharge ignores the opening lines of Rule 2, sub-rule 1. In these Rules unless the context otherwise requires a definition *per se* is always contextual. Now, in the context of Rule 388, a Member has the right to move for suspension of the rules. Now, in the definition of the Member in the context of Rule 388, there are three definitions. One is Member which Shri Kharge read out. 'A Member' means 'a Member' of the House of People. The next is 'Member in-charge of the Bill', means a Member who introduces the Bill and any Minister in the case of the Government Bill. The third definition is, 'Minister' means a Member of Council of Ministers which includes Deputy-Minister and Minister of State.

So, in the context of Rule 388, because the context so requires, otherwise the Constitution becomes unworkable that a Minister who is a Member of one House has a right to address the other House, but he has no right to move a Motion under Rule 388. Therefore, in the context of a Minister, the Member in-charge of the Bill, the Rules have taken a special care to define it as separate. Therefore, under Rule 388 both the Member and the Member in-charge of the Bill will contextually be deemed to be the Member of the House.

SHRI MALLIKARJUN KHARGE: You should agree that there is a lacuna in the rules. *...(Interruptions)* आप सुनिश्चि... (व्यवधान) आपके लीडर बोल रहे हैं... (व्यवधान) इतना नोट कर लेंगे... (व्यवधान) आपको कुछ मदद करने वाले हैं... (व्यवधान) आपका चीफ व्हीप का पद कायम है... (व्यवधान)

So, my contention is that either we have to amend this Rule or we have to go according to the Rules and ask somebody else to move it. Otherwise a Member of Rajya Sabha cannot move this Motion. That is my contention.

SHRI ARUN JAITLEY: In the context you have to just give it an interpretation.

SHRI MALLIKARJUN KHARGE: Those definitions are different. You read the definition of Member. In that, there is no mention of this. If you read that, 'a Member' means 'a Member' of the House of People. That is all. There is further explanation to that. The definition for Member in-charge is a different matter. It is not linked with the first. Madam Speaker, the power vests with you.

16.00 hours

HON. SPEAKER: Two things are there. Member in charge of the Bill also can move the Motion. The other thing is, if you see our Constitution, article 88 says that every Minister and as a Minister, he has the right; and that is why I overrule. Article 88 overrules Rule 388 as regards moving of the Motion by the Minister. So, as Member in charge of the Bill, he can move it. Now that I have given permission, he can move the Motion.

PROF. SAUGATA ROY (DUM DUM): So, you have yourselves waived.

HON. SPEAKER: Yes.

PROF. SAUGATA ROY : So, you have helped out the Government in that manner.

HON. SPEAKER: What is it that you are telling?

PROF. SAUGATA ROY: You yourself waived the Rule 388.

HON. SPEAKER: I have not.

PROF. SAUGATA ROY: Somebody from the Government side have to move it. You have given a ruling. It is okay. But somebody should move that the Rule 388 be kept in suspension for the movement of this Bill.

SHRI ARUN JAITLEY: It has to be given only one interpretation. You can't make the Constitution of India redundant by reading down a rule.

PROF. SAUGATA ROY: Then, you dispense with the rules. You read only the Constitution of India.