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Title: Combined discussion on the Goa Budget, 1999-2000. Demands for Grants on Account, 1999-2000 and Demands for Supplementary Grants. Motion for Consideration - adopted

17.10 hrs.

MR. SPEAKER: Now, we take up Item Nos. 17, 18, and 19.

SHRI P. SHIV SHANKER (TENALI): Sir, I am raising a constitutional objection to the introduction of the Goa Budget in this House... (Interruptions)

MR. SPEAKER: Hon. Members, please take your seats.

SHRI P. SHIV SHANKER : Sir, nobody would shed tears much less the crocodile tears for the imposition of the Presidential Rule in Goa the manner in which the developments had taken place.

I submit that the action that has been taken to impose the Presidential Rule is justified, but what has happened in this case is that while issuing the proclamation of the Presidential Rule, the Government of India dissolved the Legislature and vested the powers of the Legislature in the Parliament which it ought to do in the case of an action under Article 356(1)(a).

Sir, I am told just now by the Minister for Parliamentary Affairs that the proclamation, which it was approved in this House, was not approved in the other House. But just now, I am told that it has been approved in the other House. Be it as it may, in spite of that I am raising this objection.

My submission is, all of us are aware that under Article 141, read with Articles 142 and 144, the position is that an order or a judgement or a decree that is passed by the Supreme Court is binding on the entire nation. In other words, whatever the decision of the Supreme Court is, that is the law of the land. What the Supreme Court has said with respect to the imposition of the Presidential Rule? In the case of Bommai, the Supreme Court categorically said, and that is the view of the entire Court, that the dissolution of the

Legislature must take place only after the proclamation is approved by both the Houses.

Sir, this is a very important matter and it is having far reaching consequences, therefore, I beg the indulgence of the House to listen to me a little carefully. The Supreme Court has, in paragraphs 121 and 122, said and I quote:

"It is therefore, necessary to interpret clauses 1 and 3 of Article 356 harmoniously, since the provisions of clause 3 are obviously meant to be a check by the Parliament which also consists of Members from the concerned States on the powers of the President under clause 1. The check would become meaningless and render ineffective if the President takes irreversible action while exercising his power under subclause a, b and e of clause 1 of the said Article..."

This is important, Sir,

"...The dissolution of the Assembly by exercising the powers of the Governor under Article 174(2)(b) will be one such inevitable action. Hence, it will have to be held that in no case..."

"...in no case the President shall exercise the Governor's power of dissolving the Legislative Assembly till at least, both the House of Parliament have approved of the proclamation issued by him under clause 1 of the said Article."

Therefore, the constitutional provision is absolutely clear. Then, they say:

"Our conclusion, therefore, firstly is that the President has no power to dissolve the Legislative Assembly of the State by using his power under sub-article (a) of clause 1 of article 356 till the proclamation is approved by both

the Houses of Parliament under clause 3 of the said article.

He may have power only to suspend the Legislative Assembly under sub-clause (c) of clause 1 of the said article.

Secondly, the court may invalidate the proclamation whether it is approved by the Parliament or not. The necessary consequence of the invalidation of the proclamation would be to restore the status quo ante and, therefore, to restore the Council of Ministers and the Legislative Assembly as they stood on the date of the issuance of the proclamation."

Therefore, the position is that the Legislative Assembly cannot be dissolved unless both the Houses of Parliament approve the proclamation.

Then, Sir, I would just like to bring to your notice one or two more paragraphs -- page 298. This is conclusion no. 4 of the Bench, which has been approved by the entire court. It says:

"Since the provisions contained in clause 3 of article 356 are intended to be a check on the powers of the President under clause 1 thereof, it will not be permissible for the President to exercise powers under sub-clauses (a), (b) and (c) of the latter clause to take irreversible action till at least both the Houses of Parliament have approved of the proclamation. It is for this reason that the President will not be justified in dissolving the Legislative Assembly by using the powers of the Governor under article 174(2)(b) read with article 356(1)(a) till at least both the Houses of the Parliament approve of the proclamation."

Sir, this has been approved by the entire court. I am reading paragraph 454 given in this judgement. These are the conclusions of the court. It says:

"In the light of the reasons given and conclusions recorded herein above, we find ourselves in agreement with the conclusions (1) (2) and (4) in the judgement of our learned Justice Sawant."

Therefore, the entire court agreed that unless both the Houses approve the proclamation, the dissolution cannot take place.

Now, let us see the proclamation itself. Nobody would shed tears, not even crocodile tears, as I said in the matter of imposition of Presidential rule. What the Government would have done is this. The Government, while imposing the Presidential Rule, should have placed the House in suspension and then got the approval of both the Houses of the proclamation and thereafter they should have dissolved the House.

Now, kindly see the notification. I am reading it. It says:

"Kindly, therefore, in exercise of the powers conferred under article 356 of the Constitution and of all the other powers enabling me in that, I hereby proclaim"

I will leave (a). I will quote (b):

"(b) declare that the powers of the Legislature of the State shall be exercisable by or under the authority of the Parliament."

After dissolving the Legislature, the powers of the Legislature have been vested with the Parliament, which they could not have done. That means, this is purely an illegal notification. This does not have the sanction of law. The law is what the Supreme Court has said.

Therefore, my submission is that if the Legislature could not have been dissolved, then the only way out would be under article 196 read with article 198, it being a Money Bill, it will only go before the Legislature. Now, the position is this. This notification being totally illegal, it could not have been issued. If it has not been issued, then it will be deemed that the Legislature of Goa still survives; whether it is suspended or otherwise, I am not going into that question at this stage.

But once we come to the conclusion that this part of the Notification is illegal, then the position is that the Budget cannot be presented here. Parliament cannot assume the powers of the State Legislature for that purpose. Therefore, the only way out is that since they say now that the proclamation has been issued, either they have to issue a fresh proclamation and then go ahead for the dissolution after the proclamation is approved by both the Houses, and, then come here for the purpose of Budget. Otherwise, the Budget cannot be presented. This is my submission.

>THE MINISTER OF POWER, MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF NON-CONVENTIONAL ENERGY SOURCES (SHRI P.R. KUMARAMANGALAM): Mr. Speaker, Sir, with due respect to the hon. Deputy Leader of the Congress Party, the Opposition, Shri Shiv Shanker, I can only say this much. He had been on the Bench. He is a senior Advocate. I am definitely far junior to him. If I may humbly submit all his arguments should have been addressed to this House when this House was considering the Resolution for approval of the proclamation.

SHRI P. SHIV SHANKER: How?

SHRI P.R. KUMARAMANGALAM: May I complete? When one is challenging the legal validity of a proclamation, the appropriate time would be, to say that this House would not have jurisdiction to consider the Resolution for approval, at the time when the House was considering it. It is because fundamentally it is an illegal proclamation which should have been addressed to this House, if I may humbly submit, at the time when the House was considering it. The House has considered the proclamation and has approved it by Resolution. So has the Upper House. Today, I would like to inform that the Upper House has approved the proclamation by Resolution. The requirement under Article 356(3) insofar as approval is concerned, has been met with. Not only that, I think, I could quote even the Bommai judgement from my memory to say that they say that all acts done while the proclamation is there, could be valid acts while the proclamation stands during the period, even if it was disapproved in the other House. Now that situation does not arise here. Here the situation is very, very clearly one that we are now considering a Budget in our capacity under powers given, as rightly pointed, on behalf of the Legislature of Goa which stands dissolved. We are considering after it has been approved by both the Houses.

I think it is necessary for me also to inform that the Cabinet considered this in-depth. We also did receive a legal opinion from the Attorney-General and so did the Cabinet and the Government fully. And, we came to the conclusion that in the best interest of all that is there, between trying to adhere very hardly and tightly to a rule which is given in the Bommai judgement and to the option of looking at the grey areas which are there - there is a grey area - we had a situation that if we held the Assembly in suspended animation, the charge was coming from all across Party lines that this would give an opening for possible horse trading on all sides. It is with conscious analysis of the public interest involved, we said that here was a case where all parties put together including the Congress Party in Goa demanded that the House be dissolved. When it was done by all the Members of the Legislative Assembly and their respective leaders, we decided that this is one of those cases which is an exception to the rule of Bommai case. Therefore, we decided to go in for dissolution.

This being the position, the facts being different, the situation being different, the Constitution has to be worked harmoniously. If one goes by an extraordinary hard and fast rule, we will have a situation where many grey areas do arise in the Bommai judgement which we can go and dispute for a long time. It is not that the hon. Member, Shri P. Shiv Shanker's arguments are totally irrelevant. They are very relevant. But, I do believe that in the present circumstances of this particular case we did consider them and we did feel that these are not correct. Even when the Cabinet itself was considering the recommendations to the President, we have taken it into consideration, and, we believed that our action is legal.

It is legal essentially because there is a situation that if we try to follow the hard and fast rule, which is being suggested here, we would only have a situation where we will defeat the very purpose for which Article 356 is being invoked here in the case of Goa. In fact, the interpretation in the Bommai judgment has been given only in order to ensure that nothing irreversible happens. But, actually, here what would happen is that if we had suspended animation of the Assembly, a situation may arise that what is not supposed to operate might operate in the case of horse trading where we would have an Assembly where certain people will come forward having

dealt with various Members. We did not want a situation like this. It was a demand, for this reason, across party lines in Goa Assembly that they wanted dissolution. It is in response to their demand looking at it, after receiving the Attorney General's opinion that the Cabinet decided. I am submitting once again respectfully that this is not the time to raise this issue. At the moment what is before this House is Goa Budget. There was an opportunity this House had when the Resolution for approval of the proclamation came. Therefore, I believe, once the House has resolved, I do feel that this argument will no longer stand in the way of the Goa Budget being considered.

SHRI P. SHIV SHANKER : Sir, my friend has totally bypassed the basic argument and he is trying to beat about the bush. May I just at this stage say that his Father had been a very eminent lawyer, perhaps one of the dozens in this country. ...(Interruptions). I may also tell you that I had the privilege of assisting him in some very important cases. ...(Interruptions). Let me also tell you for the knowledge of my friend even that even his wife is a very good lawyer. I may also bring to your notice that her chances has been interceded because of this gentleman. ...(Interruptions). Therefore, his arguments are basically breast beating arguments. He says that the issue should have been raised at the time when the proclamation was approved in this House. ...(Interruptions). Does an illegal Act become ? Then, he must go further and say that you are stopped from pleading it otherwise. The legal position is absolutely clear. If a thing has to be done it has to be done according to law or not at all. This is the concept on which we proceed. If this is the concept, even today, the position is that if they had taken a wrong action at the initial stage itself for dissolving the Legislature -- it is totally wrong, against the law of the land -- will this House permit them to proceed merely because he now says that the Attorney General of India has given them the opinion? Is he such a great personality that his opinion cannot be questioned? My friend has himself sat on the judgment of the opinions that were rendered by the former Chief Justices of the Supreme Court when he was the Minister of State for Law. He has said that he did not agree with them. Are they so great? Opinion could be only opinion. ...(Interruptions). Are they so great that their word is law? It is not. Wisdom is not the only repository of these personalities. We have also held some positions. We have also been lawyers. All of us know what it means. If legally the Supreme Court categorically says that you cannot dissolve the House unless the proclamation is approved by both the Houses, it is in unmistakable terms that the Supreme Court has expressed and that expression has to be taken as the law of the land.

Therefore, what has been done by the Government is totally wrong. I am saying that nobody will shed tears for the Presidential rule and I have myself categorically said that you should have imposed it. But if you had imposed it, the only thing you should have done is that you should have placed it in a suspended animation till both the Houses approved it, and then you should have dissolved the Assembly. That is what the Supreme Court says. You will act against the dicta of the Supreme Court and then say that what you have done is a justifiable action. I am sorry to say that this amounts to misleading this House and taking advantage of a situation... (Interruptions)

SHRI P.R. KUMARAMANGALAM: Can I interrupt for a moment?

SHRI P. SHIV SHANKER : Let me complete first.

SHRI P.R. KUMARAMANGALAM: I wanted to interrupt because there is a serious charge that you are making.

Mr. Speaker, Sir, I have a lot of respect for Shri Shiv Shanker Ji. When he pulled my legs a bit in the name of my father or my wife, I had no objection. But he should kindly desist from using words like 'we are misleading the House'. That is a severe charge.

SHRI P. SHIV SHANKER : I never said in that manner...(Interruptions)

SHRI SATYA PAL JAIN (CHANDIGARH): Sir, when Shri Advani started his speech, he pointed out in his speech that if somebody had gone through the S.R. Bommai case, then somebody could have questioned even the validity of the Resolution. He did point out that. There is no question of misleading. Shri Advani himself said it in his speech. He did make this point which you are raising now, but still nobody raised that point at that time.

SHRI P. SHIV SHANKER : Sir, I said that the argument that is being addressed is highly misleading.

श्री राजवीर सिंह (आंवला) : जब इसी सदन ने उसको अप्रूव किया था, उस समय यह मामला उठाना चाहिए था। उस समय आप समर्थन कर रहे थे।

... (व्यवधान)

MR. SPEAKER: You take your seat, please.

श्री पी. शिव शंकर : अगर इसमें गलती हुई है तो इसका मतलब यह नहीं है किलती को रिपीट किया जाए। अगर उस समय नहीं उठाया गया तो लीगल पोजीशन यह नहीं है कि

we are stopped from raising it. If you can satisfy that we are estopped from raising it, that is a different issue. But it is not. This is the legal question, and on a legal question there can be estoppel. Therefore, what I am submitting is that they cannot raise these arguments in the face of the judgement of the Supreme Court and, therefore, there is no question of the Bill being brought here. They will have to take a proper approach now. They will have to withdraw these Bills and come forward at a later stage, after duly dissolving the House. This is my submission.

SHRI SATYA PAL JAIN : Sir, Shri Shiv Shanker says that illegality has been committed. It is not a question of illegality. The Parliament has already ratified it. It is the decision of the Parliament. How can that be reopened now?

SHRI P.R. KUMARAMANGALAM: Mr. Speaker, Sir, I am sorry to say that if the House considered itself to be fit having the legal jurisdiction to approve it by Resolution one, unless they move today another Resolution withdrawing the approval, it is very very clear. I would like to use the words of hon. Shiv Shanker Ji himself. He said: "It does not mean that the Bommai judgement is the final and ultimate word in every form". We have looked at it in depth and I submit that it is an exception to the rule where we believe that the very purpose of article 356 of the Constitution will be defeated if in a case like Goa where the Constitution is not being able to be worked because of lack of majority of any party, and if we hold it in suspended animation, we will be destroying the very fundamentals of democracy by opening up the arena for horse-trading. This is something which I said very specifically and it was demanded at that time by all the parties. This being so, I think it is also too late now to suddenly wake up and rise to this occasion. This particular notification comes very squarely within what we believe is the right legal position of powers under article 356 for the President and I request that the House takes this up because at the moment the House is of the view that this is a valid notification and it has approved it. Once the House has taken this decision, it can be changed only if the House again passes a resolution to the effect that it withdraws the approval. Till then, let me tell you this is a valid decision. I do not want to use the word estoppel because the House does not estop anybody.

That is a fundamental rule of democracy in this House, but there is a method that once the House approves a route, it cannot change it except by the route by which it approved. Once the House has decided that it is legal, the President has the jurisdiction, this House has the jurisdiction to consider it and the House has passed it. The only way that decision can be overturned is that this House itself decides to pass a resolution saying that we withdraw the approval. Now under that, you will have to see whether Article 356(3) gives such a jurisdiction to reconsider but that is interpretable in various ways. Today, the situation is that an approval exists, a resolution approved by this House and that House exists under Article 356(3) and once that approval is there, I believe, for the purposes of this House, it is legal.

My good friend, hon. Shiv Shankerji is always free to take recourse to law if his party and he believe that it needs to be struck down.(Interruptions)

SHRI P. SHIV SHANKER : I would like to make a submission. I will take only one minute.(Interruptions)

SHRI P.R. KUMARAMANGALAM: Sir, you give a ruling.(Interruptions)

SHRI P.C. CHACKO (IDUKKI): Sir, he wants your ruling.(Interruptions)

SHRI P. SHIV SHANKER : My friend seems to be relying on the fact that they have gone into the nuances of Article 356 and then, they have come to the conclusion to impose the Presidential Rule. That means, would they be justified in bypassing the judgement of the Supreme Court and then say that notwithstanding the judgement of the Supreme Court, I will act as I like? This is what it amounts to.(Interruptions) I regret that he is setting up an argument which cannot stand in the face of the law. Therefore, I submitted that unless I am debarred from raising this issue, I can raise it. I do not know why he says so. If his argument is to be taken as correct that this House cannot go into this issue, then all these years, the concept of stare decisis that prevails in the Supreme Court where the Supreme Court goes on changing its view(Interruptions)

SHRI SATYA PAL JAIN : The Supreme Court cannot give direction to Parliament.(Interruptions)

SHRI P. SHIV SHANKER:It could not have changed its view at all.(Interruptions) Will he please wait.(Interruptions) I am arguing my case.(Interruptions) If I am sought to be stopped, I stop.(Interruptions) If they want that we should not say, we will not.(Interruptions) They do not even allow us to speak. If they do not allow us to speak, I will not speak.(Interruptions)

SHRI P.R. KUMARAMANGALAM: Well, I have asked the hon. Member not to misunderstand Shri Shiv Shanker.(Interruptions)

MR. SPEAKER: Shri Shiv Shanker, please continue.

... (Interruptions)

SHRI P. SHIV SHANKER : We are responsible people. People who are in the Treasury Benches do not know how to behave.(Interruptions) What is this?(Interruptions)

MR. SPEAKER: Please do not disturb him.

Shri Shiv Shanker, you may continue please.

SHRI P. SHIV SHANKER : I have practically finished. I do not want to prolong this argument. My only anxiety is that we will be subjecting ourselves to an illegality by pushing in this Budget. Anybody can question it in the court of law and then, we will have to face the music. That is what I want to avoid. It is under this anguish that I was trying to say that here is a Constitution which has been interpreted by the Supreme Court. The provision has been interpreted and they have in categorical terms expressed themselves in a particular language. The respect, which we have got to give to that judgement because that is the law prevailing. Therefore, you may kindly consider whether this Bill has to be moved here or not because tomorrow it could be challenged on this ground.

>THE MINISTER OF FINANCE (SHRI YASHWANT SINHA): Sir, Shri Shiv Shanker has been referring to the Bommai judgement. I will read an extract from the Bommai judgement. It says and I quote:

"So far as the validity of acts done, orders passed and law, if any, made during the period of operation of the proclamation is concerned, they would remain unaffected inasmuch as this approval or non-approval does not render the proclamation invalid with retrospective effect."

Therefore, the question of this House discussing the Budget of Goa and passing it cannot be called in question because it will be a perfectly valid and legal act even under the Bommai Judgment. I would, therefore, request that let us go ahead with this discussion. The Goa Budget has to be passed. The Proclamation stands today and it has not been invalidated by a court of law. It is the responsibility, therefore, of this Parliament not to leave Goa in a lurch, and let the State Government function. Therefore, it is important for us to pass this Budget. I will appeal to you, Sir, that you have listened to both sides. So, please give us your ruling.

SHRI P. SHIV SHANKER : Sir, my friend has raised this. I would like to say only one thing. I did not hear him earlier. What had happened in the case of Bommai was that the Supreme Court, after setting aside the order of

Proclamation, was concerned as to what happens to the acts that have already been taken. It is in respect of that, that these observations have been made. They have nothing to do with the facts of the present case. Here, the action has not been taken, and the action is to be taken, that is, the Budget is being presented now. It is at this time that I am raising the objection. That is the only point which I would like to make.

SHRI P.R. KUMARAMANGALAM: I think, I should point out exactly what he said. I think, he has not realised what the hon. Finance Minister was saying. What he was presenting is that if at all the court holds the action of the President under Article 356 to be invalid, the Budget would anyway be valid because that is how they did it earlier. So, why are you stopping the consideration of the Budget?

MR. SPEAKER: Article 356 (1) (b) provides that in case of failure of constitutional machinery in a State, the President may by Proclamation "declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament."

The Proclamation issued by Hon'ble the President on 10th February, 1999, dissolving the Goa Legislative Assembly, clearly states that "the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament."

It is under the provision of Article 356 (1) (b) that the Budget of Goa has been brought before this House.

It is for the Courts to decide the constitutionality or legality of the Proclamation including the powers exercised by this House under Article 356 (1) (b). This House cannot, obviously, take a decision on these aspects of the matter.

I am, therefore, inclined to allow the consideration of the Goa Budget.

SHRI SHARAD PAWAR : Sir, I am on the issue of procedure. How long are we going to sit today? Are we going to discuss the Motion of Thanks on the President's Address today or are we going to start the discussion tomorrow? If we are going to start tomorrow, then is the discussion going to continue on Monday also?

MR. SPEAKER: From the Government's side, do you have anything to say?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS, MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI RAM NAIK): Earlier, we had agreed that we will work up to eight o'clock. Today, this Goa Budget can be completed.

SHRI SHARAD PAWAR : It is not possible to finish everything in one day.

SHRI P.R. KUMARAMANGALAM: Mr. Speaker, Sir, I would like to propose, as the Leader of the Opposition has rightly pointed out, that starting the discussion on the Motion of Thanks late in the night may not be appropriate. We will start it tomorrow. But I will request the House that let us complete the Goa Budget today. With regard to your question, "How long we will sit", I will say that let us start now.

MR. SPEAKER: There are only six speakers who would speak on this Goa Budget.

SHRI SHARAD PAWAR : We will finish that.

MR. SPEAKER: Six members means, each one will be given five minutes only.

SHRI SHARAD PAWAR : We will finish it today. We will take up the Motion of Thanks on the President's Address tomorrow and Monday. The only question is whether we will be discussing it for two clear days. Our understanding was that we would discuss it for two clear days.

SHRI P.R. KUMARAMANGALAM: It was just eight hours. I am sorry I should not have the audacity to challenge the statement made but it just says eight hours. I think we will have the time. If he insists on the full

time, I should insist that we use the maximum time today. But I do not want to do that. I would request that we pass the Goa Budget today and start the Motion of Thanks on President's Address tomorrow and try if we can complete the matter. If the Leader of Opposition wishes to have it specially on Monday, for him, we will have it on Monday. For his sake, I would definitely say yes. But then, in between we will take up the Railway Budget.

MR. SPEAKER: Okay. There are six Members to speak on this. Each one may speak for not more than three minutes please. Shri Francisco Sardinha will speak now.

>SHRI FRANCISCO SARDINHA (MARMAGOA): Sir, I rise to support the Supplementary Demands for Grants (Goa) 1998-99 placed before the House and the Budget for 1999-2000 of the State of Goa. I would like to put forward certain points before this august House.

Goa was liberated in December 1961, that is, about 15 years after the Independence of this country. We have missed three Five Year Plans and along with them the total development of the State. Time and again, Governments have put before the Central Government the proposal to declare Goa as a Special Category State along with other States that are existing in this country. But, this has fallen on deaf ears. I would like to say it again. I would like to propose that Goa may be declared as a Special Category State.

If you see the tax structure, the citizens of Goa are overtaxed. If you see the plan budget of the State, it was Rs.234.77 crore last year. It is Rs.240 crore this year. If you look at it in the light of today's inflation, there is no growth at all.

1747 hours (Mr. Deputy-Speaker in the Chair) Even if there was zero growth, the plan budget should have been Rs.246 crore and not Rs.240 crore. It happened maybe because today the plan is based on the Gadgil formula which, I would say, is outdated. It is outdated because it gives a lot of weightage to the population. Under this formula, States like Kerala and Goa, where programmes of family planning are implemented very rigidly and where people do not have more than two or three children, suffer and those States where it is not implemented properly and the population growth is much more, gain.

I want to know whether we are really serious with family planning which is the need of the hour. Why should the States which are practising this small family norms suffer? I would suggest that another formula should be worked out for this purpose. The Government at the Centre must fix the target curtailing the growth rate to a certain point and the States who achieve that target should be given incentives. We should follow it fairly. If this is done the plan budget of Goa will increase. I propose that more weightage be given to the performance rather than population. That will benefit small States like Goa.

Goa is one of the exporters of iron ore and manganese ore.

Sir, Goa being also a port, all the iron ores from the surrounding areas especially from Karnataka and some places of Maharashtra is being exported through Goa.

Then, a lot of weightage is there on the roads. Our roads are narrow and many trucks which are bringing this iron ore are plying on these roads.

Sir, if you see, the highways of Goa are not as per the specification simply because Goa has no money. If you really go and see, you will find that Goa is bankrupt. The people of Goa are overtaxed.

Sir, if a part of the budget of what the country gets from the export of this iron ores could be passed on to Goa in terms of grants, we can build up infrastructure, we can improve the port and we can improve the highways. That is why, I would request the hon. Finance Minister to kindly consider it.

Side by side, Goa is also a tourist State. So many foreign tourists are visiting the country and they either go to Goa or Kashmir or Kerala mostly. It is not that tourists are bringing only benefit. May be, along with it, they bring bad things also. Sir, we have seen that Goa is infested with AIDS. Wherever these tourists come, many of them come with these diseases. So, we have to create awareness against these diseases. And for that, we need a

lot of money. If you see the chart of the Health Department, you will find that the AIDS cases in Goa are on the increase. Of course, they are not only in Goa but if you see, in the total coastal belt area, AIDS is on the increase. One of the reasons for spreading of this disease is that the tourists visit these areas.

So, to have a better health cover and also to create awareness among people against AIDS, I would request the hon. Finance Minister to kindly increase the allocation for Health, and also Tourism.

Sir, as I have said, Goa has been liberated later and any organization, leaving aside State, will always have teething troubles. We have not been allowed to remove the teething troubles. Goa has been taxed. In fact, I should say, Goa has been overtaxed.

So, I would request the hon. Finance Minister to kindly pay attention to Goa and see if our plan budget could be increased. Along with it, we have to develop our infrastructure also.

Sir, about Goa airport, last time, there was an answer given in this House that 'it is being considered to make a airport an international airport.' We are all happy. But I would like to propose that the existing airport at Vasco may be made an international airport. And, we do not want a new airport to come as an international airport. I would propose that the new airport can be made for the Navy, and the existing airport which is centrally-located may be made as an international airport.

The airport which is being shifted, will be shifted either in the north or in the south. If it is shifted in the north, people from the south will have to go all their way to the north to catch the flight. Similarly, if it is shifted in the south, people from the north will have to go all their way to south to catch the flight.

That is the reason, I am saying that the existing airport at Vasco may be made as an international airport. Because the airport at Vasco is centrally-located, we would be happy if it is upgraded to an international stature.

Sir, we have been granted Rs. 86.92 crore as the Central assistance. The amount from our State resource is Rs. 153.08 crore. As I have already said, the people of Goa are overtaxed. It is nice to declare a State as a tourist State. But do not forget that the people of Goa are tourists in their own State throughout the year.

Whenever a tourist visits our State, he comes to spend and for people who are salaried, things are expensive. That is the reason why I request you to change the norms of poverty line. There are a number of poor people and if you visit Goa, you see that Goa is different from some of the poor States. But we cannot apply the same norms of poverty which prevail in some other States to Goa because, as I have said, if the per capita is all, it does not mean that they are rich. Things are expensive. We should not apply one formula for all the States. We should give some relaxation to States like Goa which are touristic and which are bringing so much of foreign exchange. What does the State get from it? It gets a paltry sum of Rs.86 crore to Rs.92 crore and the State's resources are Rs.153.08 crore.

Therefore, I hope that our Finance Minister will consider my request and change it from Rs.86 crore to Rs.153 crore Central share. Our people are already overtaxed. They are saturated. There is no room for further taxation in Goa. Make it more than Rs.86 crore or something and decrease the State's resource.

Earlier there were rumours to declare Goa as a free port. Goa could be

considered as a free port. Considering the total development of Goa, infrastructure like telephone, roads and railways could be strengthened. I will speak about this in the Railway Budget also.

I would like to tell you that a train on the South Central Railway was connecting Goa to Londa and other places. For the last two years, it is closed, and time and again I have brought it to your notice.

I support this Budget. I would again request the Finance Minister to increase the Central share of it.

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श्री शैलेन्द्र कुमार (चैल) : माननीय उपाध्यक्ष महोदय, आपने गोवा राज्य के वर्ष १९९९-२००० के बजट पर हो रही सामान्य चर्चा में मुझे बोलने का जो अवसर दिया है, उसके लिए मैं आपका आभारी हूँ। इस बजट में छः अरब ३९ करोड़ ८८ लाख रुपये का प्रावधान है।

अभी कुछ दिन पूर्व हमने इसी सदन में सर्व-सम्मति से राष्ट्रपति शासन लगाये जाने के लिए अपनी सहमति व्यक्त की थी और गोवा के भी तमाम पार्टी के लोगों ने अपनी सहमति राष्ट्रपति शासन के लिए दी थी कि पुनः वहाँ पर एक बार चुनाव हों, जनमत हो, वहाँ नई सरकार का गठन हो और उस प्रदेश का विकास हो। अभी फ्रांसिस साहब ने इस सदन के माध्यम से, आपके माध्यम से सरकार से पुरजोर मांग की है कि गोवा को स्वायत्त राज्य का दर्जा दिया जाये। मैं उनकी बात का समर्थन करता हूँ।

दूसरी बात यह है कि गोवा एक ऐसा राज्य है, जहाँ चाहे पर्यटक हों या मुंबई जाने वाले तमाम लोग हों, अगर वे मुंबई जाते हैं तो गोवा जाना भी पसन्द करते हैं। गोवा राज्य पूरे तरीके से पर्यटकों पर ही निर्भर है। वहाँ पर ज्यादातर, जैसा कि फ्रांसिस जी ने अभी मांग की, मैं भी उनकी बातों के साथ अपने को सम्बद्ध करते हुए मांग करता हूँ कि राष्ट्रीय स्तर पर गोवा को पर्यटक राज्य घोषित किया जाये ताकि वहाँ पर विदेशी पर्यटक आयें, उनसे विदेशी मुद्रा हमें मिले और राज्य का विकास हो।

जहाँ तक बजट की बात है, अभी मैं इसे देख रहा था।

18.00 hrs.

मैं आपके माध्यम से सरकार से मांग करता हूँ कि गोवा के बजट में वन, मत्स्य पालन, रोजगार, महिला कल्याण विकास, संग्रहालय, कला-संस्कृति और शिक्षा की मदों से सम्बन्धित जो राशि है, उसे और बढ़ाया जाना चाहिए, जिससे गोवा को पर्यटन स्थल के रूप में और बढ़ावा मिले। वह राष्ट्रीय मानचित्र में एक ऊँचा स्थान प्राप्त कर सके। पूरे देश में चाहे जम्मू-कश्मीर हो, लक्षद्वीप हो, अंडमान निकोबार द्वीप समूह हो या गोवा हो, वहाँ काफी तादाद में देश और विदेश से पर्यटक आते हैं, क्योंकि यहाँ का प्राकृतिक सौन्दर्य बहुत अच्छा है।

जहाँ तक मुझे जानकारी है गोवा में काजू का उत्पादन काफी मात्रा में होता है और नारियल का भी उत्पादन होता है। इसके साथ ही वहाँ मछली पालन में भी काफी लोग सक्रिय हैं। इसलिए उनको बढ़ावा देने के लिए सरकार गोवा के बजट में अधिक से अधिक धन दे।

इन्हीं शब्दों के साथ मैं गोवा राज्य के लिए रखे गए इस बजट का समर्थन करता हूँ और अपनी बात समाप्त करता हूँ।

>SHRI RAVI SITARAM NAIK (PANAJI): Mr. Deputy-Speaker, Sir, the hon. Minister of Finance has presented the Goa Budget for the year 1999-2000 which shows an overall deficit of Rs.13.14 crore. The Budget Estimates for 1999-2000 placed revenue receipt of Rs.1,335.76 crore. The revenue expenditure is estimated at Rs.1,488.92 crore, leaving a deficit of Rs.143.5 crore.

The State Plan outlay for 1999--2000 is around Rs.240 crore which is marginally higher than the current year's outlay of Rs.234.77 crore and the State's own resources of Rs.153.08 crore in the coming year. If inflation is accounted for, the actual Plan outlay has come down.

The Plan size of Rs.240 crore has been fixed on the presumption that an additional resource of Rs.20 crore would be mobilised through the revenue of sales tax, State excise and motor vehicle tax and through an increase in the water tariff.

The revenue deficit is projected at Rs.153.05 crore for 1999-2000. As per the Gadgil formula, financial assistance is given to the States according to their population, i.e., more financial assistance is given to the highly populated States. In Goa, we have controlled the population by strictly implementing family planning and so the population is less. At this stage, the Central Government has to encourage the State of Goa for controlling population, instead of penalising it for family planning by reducing the Central aid.

During the period of the Portuguese rule, Goa was apparently kept undeveloped for about 450 years. After liberation, we tried our level best to come up with the assistance of Central Government, since Goa was under Union Territory till 1987; and during this period, the Central Government was giving financial assistance to meet the deficit of Plan. However, after Goa became the 25th State of the Union of India, the financial assistance of the Central Government fell short which hampered the development of Goa. Secondly, Goa being a small State, it earns less revenue which cannot cope up with the demands or the requirements of development of the State.

In addition to that, I would like to emphasise that all over India population explosion is apparently burst out beyond control. But in Goa, we have managed to control the birth rate which comes to 15 per thousand and simultaneously we took enough care in controlling death rate too, which came to 15 per thousand. Our State has taken enough measures of population control when compared to other States; hence, the population of Goa is remaining at 12 lakhs only, though it encompasses an area of about 3702 sq. kms. Our State always remains ahead in lessening the population burden on the country.

We are marching towards proper development in economic sectors and other social sectors. To promote this development, we need more funds for which we request you to grant and release them, so that we can exhibit our development in social and economic sectors when compared to other States.

The revenue resources of Goa are meagre which peril our development anyhow. The incoming resources and the present funds bestowed by the Centre is just impossible to meet the needs of development. However, our genuine request to you is to sanction more funds to meet the necessities of development.

The first and foremost thing that I would like to propound before you is that to meet the economic development, it needs enough financial assistance which we are lacking. The economic development is the backbone of the State; hence we have to pay more attention to these sectors; but the present funds do not coincide. So, our sincere and humble request to you is to sanction more funds to meet the deficit of the present Budget of 1999-2000 and continue the same for another four Five Year Plans.

Goa is the tourist centre which is well known all over the world. Many foreigners visit Goa. Per year about 350 chartered flights are coming to Goa. Hence, to develop infrastructure, it needs more funds and the Central Government must give priority to develop this tiny State. It is our sincere request that this State should be assisted financially, as the North Eastern States are assisted. The North Eastern States and the State of Goa are facing the same problems in allotment; hence, our State may also be bestowed with funds by the same graceful hands. However, we would like to specifically make a note of this that we are much ahead in lessening the population burden on the country when compared to the North Eastern States. Hence, we ought to get financial assistance like that of the North Eastern States. This assistance may be continued for another four Five Year Plans so that we could manage ourselves in the near future. We seek the opportunity to be self-reliant to meet our needs from our incoming resources only.

Therefore, it is our humble request to the hon. Prime Minister and the hon. Finance Minister that they may pay their kind and sympathetic attention to our demands and help us to come up, as we are struggling to keep our head up in this development race.

I hope that the hon. Prime Minister and the hon. Finance Minister will give us a helping hand by assisting financially and lift us from the depth of the underdeveloped condition.

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प्रो. जोगेन्द्र कवाडे (चिमूर) : उपाध्यक्ष जी, केवल दो मिनट के लिए बोलना चाहता हूँ।

उपाध्यक्ष महोदय : ठीक है, केवल दो मिनट बोलिये दस मिनट नहीं।

प्रो. जोगेन्द्र कवाडे : गोवा विनियोग (लेखानुदान) विधेयक १९९९, जो वित्त मंत्री जी ने रखा है मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ। मैं वित्त मंत्री जी को धन्यवाद देता हूँ जो उन्होंने गोवा के लिए इस बजट में ६ अरब, ३९ करोड़ और ८८ लाख रुपये का प्रावधान रखा है। गोवा देश और विदेश के पर्यटकों के लिए आकर्षण का केन्द्र है। इस दृष्टि से उसके विकास के लिए अगर ज्यादा से ज्यादा प्रावधान इसमें किया जाता तो और ज्यादा अच्छा होता।

... (व्यवधान)

पर्यटन के लिए तो दोगुना बजट होना चाहिए था। पर्यावरण, पुलिस, विश्वविद्यालय शिक्षा, तकनीकी शिक्षा, उच्च शिक्षा, कला, संस्कृति, महाविद्यालय, अस्पताल से वाएं, श्रम, नगर और ग्रामीण विकास योजना, समाज कल्याण, महिला और बाल विकास योजना, रोजगार, मतस्य पालन आदि-आदि के लिए अगर मंत्री महोदय ने और भी ज्यादा प्रावधान किया होता तो हमें ज्यादा खुशी होती। वित्तमंत्री जी बहुत उदार और अच्छे हैं, इसीलिए मैं उनसे मांग करूंगा कि गोवा को हमारे देश में

ही नहीं दुनिया में पर्यटन का आकर्षण का केन्द्र बनना चाहिए तथा इसके लिए और भी ज्यादा प्रावधान किया होता तो मुझे और भी खुशी होती। गोवा में जल्दी से जल्दी चुनाव कराकर वहां लोकप्रिय सरकार का गठन कर दें तो और भी ज्यादा अच्छा होगा। जिस तरह से सिक्किम जैसे छोटे से प्रदेश को राज्य का दर्जा दिया गया है, उसी प्रकार अंडमान-निकोबार-लक्षद्वीप को भी राज्य का दर्जा दिया जाता तो और भी ज्यादा अच्छा होता। उपाध्यक्ष जी, मैं आपको धन्यवाद देता हूँ और वित्त मंत्री जी से यह गुजारिश करता हूँ कि जो बातें मैंने कही हैं, पर्यटन को बढ़ावा देने के लिए अगर और भी ज्यादा प्रावधान किया होता तो आप और भी ज्यादा आप धन्यवाद के पात्र होते। फिर भी आपने कुल जो इसमें कोशिश की है उसके लिए आपको बहुत-बहुत धन्यवाद करते हुए मैं इस विधेयक का समर्थन करता हूँ। धन्यवाद।

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA): Mr. Deputy-Speaker, Sir, I am grateful to the hon. Members who have taken part in the debate and also for the fact that I have received support for this Budget from all sections of the House. I am extremely grateful for the support. We are fulfilling our constitutional responsibility in bringing before this House the Budget for the year 1999-2000 and the Revised Estimates for the year 1998-1999 of the State of Goa which happens to be under President's rule at present. It is our wish that elections should be held as early as possible and that a popular Government should assume Office in Goa. It will be obviously for the popular Government to take care of the various problems which this State has faced in the past and may be facing today. Hon. Members have raised these problems during their speech. Goa is amongst the better managed States in this country financially.

Its revenue deficit has been minimal. It did not have a revenue deficit during the years 1992 to 1997. It had a very small revenue deficit of around Rs.14 crore in 1997-98. It has gone up to almost Rs.180 crore in the current year as a result of the implementation of the Fifth Pay Commission's recommendations. It is, in a manner of speaking, the example of the impact that the Fifth Pay Commission has had on the finances of the State.

Sir, in the Annual Plan of Goa, which is modest compared to all the previous years, I agree that it is not a major increase. But the discussions with the Planning Commission have to be held and the Planning Commission will finally determine the Plan size of Goa. I would like to say that I was very happy to note that in the Plan 40 per cent of the funds have been earmarked for irrigation, water and for power sectors. Some of the schemes which have been given priority in the Plan include information technology policy also.

So, on the whole, this is, as I said, a well managed State. I hope it will continue to remain well managed even in future. As far as Government of India is concerned, either under the President's Rule or even when Goa is under popular rule, it will continue to be our endeavour to help the State to the maximum extent possible. We realise the importance of Goa.

I would only like to inform the hon. Member, Shri Sardinha that many of the issues which he has raised with regard to the revived Gadgil Formula, devolution to the State, are the issues which have been raised in the recently held meeting of the National Development Council. A sub-Committee of the NDC will be meeting shortly to take into account the solution of the issues which have been raised. There are other demands, like free port and airport. These are issues which the new Government in Goa will consider. As and when they come to us for assistance, as I said, we will be willing to extend all the assistance to them.

Sir, with these words, I will suggest that we pass the Goa Budget with acclaim in this House.

SHRI RAVI SITARAM NAIK : In the Budget, the Government has projected Rs.86 crore as the Central assistance. I would like to know whether this Central assistance will be released to the State of Goa.

SHRI YASHWANT SINHA: If it has been projected, it will be released; otherwise it would not have been projected.

MR. DEPUTY-SPEAKER: I thank the hon. Minister for a very short reply.

I shall now put the Demands for Grants on Account (Goa) for the year 1999-2000 to the vote of the House.

The question is:

"That the respective sums not exceeding the amounts on Revenue Account and Capital Account shown in the third column of the Order Paper, be granted to the President, out of the Consolidated Fund of the State of Goa,

on account, for or towards defraying the charges during the year ending on the 31st day of March, 2000, in respect of the heads of demands entered in the second column thereof against Demand Nos. 1 to 80."

The motion was adopted.

MR. DEPUTY-SPEAKER: I shall now put the Supplementary Demands for Grants (Goa) for 1998-99 to vote.

The question is:

"That the Supplementary sums not exceeding the amounts on Revenue Account and Capital Account shown in the third column of the Order Paper, be granted to the President out of the Consolidated Fund of the State of Goa to defray the charges that will come in course of payment during the financial year ending the 31st day of March, 1999, in respect of heads of demands entered in the second column thereof against Demand Nos. 1 to 19, 21, 23, 28, 30 to 65, 67 to 70, 71 and 73."

The motion was adopted.