

[Translation]

MR. SPEAKER: What I want to say is that we will take up Adjournment Motion at 4.00 P.M.

(Interruptions)

[English]

PROF. MADHU DANDAVATE: Mr. Speaker Sir, hon. Member, Mr. V. P. Singh wants to say something about the Gulf war before taking up that issue. (Interruptions)

SHRI VISHWANATH PRATAP SINGH (Fatehpur): Sir, I thank you very much that taking the sense of the House on the question of atrocities that have been committed on the scheduled castes in the Partapgarh area, you have kindly agreed to the request of the hon. Members.

Regarding what Shri Somnath Chatterjee said about the ground action that has been taken by the American-led forces in Iraq and Kuwait and that is the concern of all of us, I request that a unanimous resolution should be passed by the Parliament in a suitable form condemning the action that has been taken by the American-led forces.

SHRI EDUARDO FALEIRO (Mormugao): Sir, I want to draw the attention of the House to a very serious matter, that is closure of the Indian Mission in Baghdad which is most regrettable and most unfortunate. I will tell you and, through you, to the House why it has been most regrettable and unfortunate at this point of time. I can say with full responsibility that while the Mission has been transferred to Teheran, no alternative arrangements of any sort have been made for the safety and welfare of thousands of Indian citizens, who constitute the largest expatriate community in Iraq and Kuwait. Secondly, why our Mission has been transferred from Baghdad to Teheran, while

all the other Missions, most of them, except those which are inimical to Iraq, continue there. It has made a mockery of the whole situation; while our Mission is transferred from Baghdad to Tehran, Iranian Mission itself continue to be in Baghdad. This type of thing completely destroys our credibility in the world and in the non-aligned movement. It looks like that we have run away from there and it destroys the credibility of our Mission before our own citizens. I call upon the Prime Minister and the Government to tell the House about this and to make all possible steps for the safety and welfare of our citizens through our diplomatic Mission. (Interruptions)

12.42 hrs.

RE: RAILWAY BUDGET

[Translation]

MR. SPEAKER: I would ask Shri Janeshwar Mishra to present the Railway Budget.

[English]

SHRI SOMNATH CHATTERJEE (Bhopur): On a point of order. I have already given notice.....(Interruptions) .

PROF. MADHU DANDAVATE (Rajapur): Mr. Speaker, Sir, when the Leader of the Opposition the other day raised the question of Vote-on-Account, myself and Shri Somnath Chatterjee had said that we have to say something by way of point of order and we would like to say that before the Railway Budget is presented.

When the Railway Budget is not being presented as a full-fledged Budget, but only a Vote-on-Account is being presented, it is a consequence of the general decision not to have the General Budget in its usual form,

but present it in the form of Vote-on-Account. If the general decision was different, probably Railway Budget would have been presented. Therefore, in connection with this, some of us would like to raise certain procedural points.

As far as the Vote-On-Account in respect of Railways is concerned, it is going to have certain disastrous consequences and that is because of the procedure of presenting the Railway Budget. I do not know whether the Vote-on Account would be for three or four months, but it will be for a restricted period.

AN. HON. MEMBER: For four weeks.

PROF. MADHU DANDAVATE: That is not going to be. That much knowledge I have.

If it is going to be a restricted Railway Budget for four months, what does it mean? It means that according to the usual convention of Vote-on-Account, revenues and the resources will be frozen. For the year 1990-91, the total allocation from the General Budget was of the order of Rs. 5500 crores. When actually there are not going to be additional receipts and additional revenues and the entire thing is going to be frozen, you will find that as a result of that, the developmental activities of the Railways in the course of the next four months are bound to suffer immensely. As a result, the productivity will suffer, as a result of that, a number of railway projects will suffer, and as a result of that, you will find that there would be greater inflationary pressure and deficit will go up and as a result of the increase in the deficit in the coming full-fledged Budget, the Government will be forced to have increased freight and fare charges. Therefore, the nature of the entire Budget will be totally upset. In a way for four months all the economic experts have expected that there will be a plan holiday for four months and it there

is a plan holiday for four months than the entire basis of planning will be totally upset.

Sir, I would have understood if this Government were to come to power after 28th February and there were to be no alternative but to present a Vote on Account but, Sir, they had three months at their disposal and in spite of that they are proposing a Vote on account and as a result of that the entire planning process is going to suffer. Therefore, I am raising a procedural point. This is being done not for economic interest of the country but for the political interest of the coming Tamil Nadu elections. Therefore, it is only a political gimmick and manipulation and not as demanded by the economic conditions of railways and the general economy of the country. Therefore, I totally oppose this procedural change and the Speaker should express his resentment in the matter.

Last point, Sir. (*Interruptions*)

Rashtrpati's name has been brought into the picture. The other day the Prime Minister said while replying to Mr. Advani that he had consultations with the President of India. We had also met the President of India and the President of India said "I have nothing to do with the Budget."

[*Translation*]

MR. SPEAKER: There can be no discussion at the time of presenting the Budget.

[*English*]

PROF. MADHU DANDAVATE: On the floor of the House the Prime Minister took the name of the Rashtrpati to justify the Vote on Account. It is highly improper and I object to this procedure.

SHRI L.K. ADVANI (New Delhi): As far as the sense of the House is concerned, I totally endorse what my colleague, Prof.

[Sh. L.K. Advani]

Dandavate has said and I feel that this interim Budget is going to put a great damage on the economy. But the procedural point is one that I raised the other day. But you had informed the Members of this House that the President has been pleased to say that a fulfilled Budget will be presented on the 25th February. It was a fulfilled Railway Budget that was to be presented. I have not seen any other Bulletin after that rescinding that order. This is a procedural matter because everyone is pointing out as to what is the procedure. I would say that this Government has failed miserably both in respect of procedure as well as substance because during the last 10 days every economic expert has attacked the Government's decision and has shown how this is going to effect the economy. Therefore, for the last two days news are being sent out how the interim Budget was presented on earlier seven occasions. In all those cases it was justified. This present situation has nothing to do with the preceding cases. In this case the Finance Minister is the Finance Ministry has been working day and night for the last three and a half months to prepare a Budget and it has been told that even the Finance Minister is reported to have threatened to resign in protest against it. I think this House must take cognizance of the wrong decision that has been taken by the Government both in respect of substance as well as procedure and we cannot be a party to this.

(Interruptions)

[Translation]

SHRI JANARDAN TIWARI (Siwan): Crores of rupees are spent on preparation of the Budget. They have swallowed crores of rupees of the country.

MR. SPEAKER: Please sit down.

(Interruptions)

[English]

SHRI SOMNATH CHATTERJEE: We have given the notice because the matter is not just a technical one. It is a matter of substance. The entire budgetary provisions as have been laid down in the Constitution are totally being given a go by as a result of political expediency. Political manipulation is now trying to regulate the budgetary provisions of the Constitution of India. Now, one of the Ministers claims to take the credit for it and he says that it is his brainchild. We have seen the crooked functioning of this brain so many times in this country. He may take credit for that. *(Interruptions)*

THE MINISTER OF COMMERCE AND MINISTER OF LAW AND JUSTICE (SHRI SUBRAMANIAM SWAMY): Come to the point

(Interruptions)

SHRI SOMNATH CHATTERJEE: As a Minister, you should not interrupt me.....*(Interruptions)*

Sir, kindly see the List of Business. It says, "The Minister to present the Interim Railway Budget." Neither the Constitution of India, nor the rules contemplate any interim budget. Article 112 is the regulating article of the Constitution which says very clearly;

"The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year....."

Then the other provisions of Article 112 contemplate that in the form of demands grants have to be placed which are to be discussed in the House and are to be passed

by the House. Then an Appropriation Bill has to be moved and passed. Before that no additional amount can be drawn from the Consolidated Fund for the purpose of meeting the expenditure. Sir, Article 116 contemplates Vote on Account in respect of part of the Financial Year in relating to a portion of the expenditure which has to be mentioned in the Annual Financial Statement. Therefore, in the Budget, the total expenditure they wish to make has to be mentioned.

Now, Vote on Account has been provided in the Constitution and in our rules only for the purpose of enabling a proper discussion on the demands for grants, which are to be placed before the House under Article 112. This is being done only to enable the House to have adequate opportunity and time for discussion. The seven preceding occasions when votes on accounts were placed had arisen only during election years. Only during election years, it has been provided that the entire proposals will be made and for the purpose of allowing discussions to be held on the floor of the House and in the meantime expenditure has to be provided for. But is this an election year?

SHRI M. J. AKBAR (Kishanganj): Was there no vote on account last year?

SHRI SOMNATH CHATTERJEE: Last year there was a full Budget. (*Interruptions*) constitutionally it is the duty of the President of India to direct that the Annual Financial Statement be placed on the floor of the House and under the rule it is the President who fixes the date. Now, the President has fixed the date. Kindly see our bulletin. It has been issued after the President has fixed the date. It says that the President has been pleased to fix the following dates for the presentation of the General Budget for the year 1991-92 and the Railway Budget. There is no concept of only interim budget anywhere. Not only that. Our calendar that has been issued after your approval lays down

the dates on which discussions will take place on Demands for Grants.

SHRIVASANT SATHE (Wardha): What about your last year's speech?

SHRI SOMNATH CHATTERJEE: No further bulletin has been issued. This is an affront to this House. The President has fixed a date; the Bulletins have been published under your approval and today we find in the newspapers that one Minister is shouting in Madras that it is his brain-child to present a Vote on Account. They think that they can tinker with the Parliamentary system. In there any direction from the President. We do not know because it is disclosed outside Parliament. But the Prime Minister has not got the courtesy to come and tell the House why they have done it. There is no explanation given on the floor of the House. This special procedure regarding the Vote on Account which has been provided in the Constitution, in the rules, is to meet a particular type of situation, not as a substitute for a General Budget.

SHRI VASANT SATHE: Was it prevalent last year when Prof. Madhu Dandavate was the Finance Minister? (*Interruptions*)

SHRI SOMNATH CHATTERJEE: There is another very important matter. Even in the President's Address that was delivered on the 21st of February, there is no whisper that the usual financial business that he has already directed to be done, will be changed or revised. No mention has been made, not even a whisper has been made. I would like to mention that even after this Vote on Account is passed, the only method by which extra grants can be sanctioned will be under Article 115, by way of Supplementary Demands or excess grants. I would like to know what this Government is thinking on this. Because of a political reason because they are not in a position to face the election—the

[Sh. Somnath Chatterjee]

full Budget is not being submitted here. That is why, the whole constitution of India and this House are totally undermined. *(Interruptions)*

SHRI VASANT SATHE: What about last year?

SHRI SOMNATH CHATTERJEE: You are more loyal than the king. This is a very important matter and should not be taken lightly. Because of their political compulsion, the constitutional provision is being thrown away. What did the Finance Minister say on 22nd of February on the floor of this House? He said: "The measures proposed to be taken by the Central Government Departments to deal with problems caused by the Gulf crisis include both direct and indirect tax measures, to mobilise additional resources." Now, are they going to do this? Can they do this? This is the pronouncement of the Finance Minister that: "it is essential to meet the serious economic situation in this country, by additional taxation proposals." Are they not given a go bye? For what purpose? I would like to know whether the President's sanction has been obtained; whether there is a change in his decision. *(Interruptions)*

SHRI SHIKIHO SEMA (Nagaland): I am on a point of order.

MR. SPEAKER: What is your point of order?

SHRI SOMNATH CHATTERJEE: How can there be a point of order on a point of order? I am on a point of order?

MR. SPEAKER: Mr. Sema, under what Rule?

SHRI SHIKIHO SEMA: Under Rule 214.

(Interruptions)

MR. SPEAKER: Are you objecting to his speech?

SHRI SHIKIHO SEMA: Yes.

SHRI SOMNATH CHATTERJEE: How can there be a point of order on a point of order?

SHRI SHIKIHO SEMA: The Rules of Procedure of this House provides that the Government can introduce Vote on Account? Why the hon. Members are unnecessarily wasting the time? Hon. Member is violating Rule 214.

MR. SPEAKER: You take your seat. There is no point or order.

SHRI SOMNATH CHATTERJEE: This is an issue on which you have to decide. You are the custodian of the rights and privileges of this House. The whole system of Parliamentary democracy has to function, through the House.

13.00 hrs.

And one of the most important aspects of parliamentary democracy is the financial business to be transacted properly through this House. Can the financial business, the process of it, be stopped because of the elections to be held in one State of the country, because they cannot face the electorate with a difficult Budget? This is nothing but a fraud on the Constitution. It is a fraud on the people, and a fraud on the Constitution. It is a fraud on the people, and a fraud on Parliament. It is your duty to uphold it. Don't allow this mockery to be permitted in the name of the interim Budget. No explanation has been given so far. The Prime Minister has not taken the House into confidence, as to why this change of decision has taken place.

Moreover, on the 5th February, it was

declared that there would be a full Budget; and within a week, have they changed their mind? *(Interruptions)* Is there a Government in this country? Is a Government functioning in this country? Has this Government a mind of its own? Is the President of India taken for granted? Is the House taken for granted by a handful of people, a conglomerate..... *(Interruptions)* of deserters, being supported by the most discredited party in this country? We should not be taken for granted. Therefore, it cannot be moved.

SHRI L. K. ADVANI: I am pained that the points made by the Opposition have not been replied to... *(Interruptions)* Otherwise, it would be deemed that the Parliament is being taken for granted. This is the matter and, therefore, we would like to register our protest, and not participated in this..... *(Interruptions)*

(Shri L. K. Advani and some other hon. Members then left the House)

SHRI BASUDEB ACHARIA (Bankura): The reinstatement order relating to hundreds of Railway workers who were dismissed in 1980 for participating in a strike, was issued by the previous Government. But it has not been implemented. As this order is not being implemented by this Government, I walk out in protest. *(Interruptions)*

(Shri Basudeb Acharia then left the House.)

MR. SPEAKER: I have heard the procedural objection raised by the Member. Under rule 213, Government is permitted to present more than one Budget. There have been several instances in the past when Budget has been presented more than once in a year. No constitutional provision is violated. Hence the objection is out of order.

Now Shri Janeshwar Mishra.

(Interruptions)

SHRI SUBRAMANIAM SWAMY: Sir, one point on a personal explanation, because this has become a habit. I have been quoted by Shri Somnath Chatterjee as saying that I had claimed credit for this. I had not claimed credit at all. What had happened is that the newspaper man in Madras asked me, quoting Mr. Gandhi's remarks that the India came from me, and the circumstances in which that idea was pursued. That was all that was said. To give this twist, to say that this is my brainchild, is totally preposterous; and obviously, they had come to obstruct the proceedings; and as you have correctly said, Sir, it is totally within the Constitution to present a Vote on Account..... *(Interruptions)*

[Translation]

SHRI HARISH RAWAT (Almora): Mr. Speaker, Sir, our party has also to speak on this matter. You should also allow us to speak.

[English]

SHRI P. CHIDAMBARAM (Sivaganga): Sir, three Members were allowed, from that side, to make a statement which was clearly untenable. You knew always, and all of us here know that a Vote on Account has been presented in the past. *(Interruptions)* One moment please. Will you allow me to complete what I wanted to say? *(Interruptions)*

Please let me complete. You can hear them later *(Interruptions)* In 1980 the then Finance Minister Mr. Venkataraman, now the President of India, in a year following an election year, presented a Vote on Account and presented the regular Budget in June. Last year, I think this can be checked from the record, Mr. Dandavath in a year following an election year, presented a Vote on Account and presented the a regular Budget almost six weeks later. Nothing has happened during

[Sh. P. Chidambaram]

this year which is contrary to either past practice or rules. Just now you allowed them to make what we can only describe as preposterous submissions which are clearly against the rules and Mr. Somnath Chatterjee was only reading some selected Articles from the Constitution. I think he should publish a 'Selected readings from the Constitution' He only reads every alternate article. He does not read the article which is relevant. *(Interruptions)*

MR. SPEAKER: I have given my ruling.

SHRI P. CHIDAMBARAM: They should not have been allowed to make those submissions. I must protest in a friendly manner that you did not allow us to protest.

MR. SPEAKER: You did not raise your hand. Now, the Railway Minister.

(Interruptions)

[*Translation*]

SHRI KIRPAL SINGH (Amritsar): Just now you said that you would listen to us. Please give us an opportunity.

Mr. Speaker, Sir, Punjab Police and the Central Reserve Police have been committing excesses to such an extent that thousands of youth are humiliated after being dragged out of their homes. Many among them are apprehended and some are killed after being tortured. All this has been published in the press. Nobody is bothered about them. I have already given a couple of notices to allow me to voice our grievances. *(Interruptions)*

MR. SPEAKER: I don't deny opportunity but there is a time specified for that.

(Interruptions)

SHRI KIRPAL SINGH: Oppressed people can't go anywhere. Who will listen to their grievances? *(Interruptions)*

S. ATINDER PAL SINGH (Patiala): Mr. Speaker, Sir, the entire population of Punjab is feeling insecure these days. There were five fake encounters in Amritsar, the reports of which were published in the last Saturday's *Hindustan Times* at page 10. In the current month there were two fake encounters in Patiala district, the reports of which have been published in the press also. Mr. Speaker, Sir, the other day in Delhi itself, my body-guard who is from the Punjab Police, was caught in Jor Bagh and beaten up by four persons ...*(Interruptions)*

MR. SPEAKER: This issue was raised by you yesterday also.

(Interruptions)

S. ATINDER BAL SINGH: Mr. Speaker, Sir, I did not raise this issue yesterday. It is only today that I am raising this issue. Even the report was not registered and police did not take any action on that. So we feel that Sikhs are insecure in this country. Therefore, there should be a discussion on this and the Government should give a reply. We demand your ruling in this respect.

MR. SPEAKER: All right, please sit down. I will look into it.

SHRI S. ATINDER PAL SINGH: Mr. Speaker, Sir, I want your ruling just now.

MR. SPEAKER: O. K. I shall give my ruling. Please sit down.

S. ATINDER PAL SINGH: Mr. Speaker, Sir, I want your ruling just now and if you are unable to do that, then since I belong to Punjab, I offer myself for a fake encounter. *(Interruptions)*

MR. SPEAKER: Please see me.

S. ATINDERPAL SINGH: Mr. Speaker, Sir, there should be a discussion on this subject. If the House does not bother about the problems of the Sikhs, we also offer ourselves, for fake encounter. (*Interruptions*)

MR. SPEAKER: The whole House including myself is much worried about this problem. I request you to please see me afterwards. I will talk to you when you see me in my Chamber.

S. ATINDERPAL SINGH: Mr. Speaker, Sir, I want a discussion just now. I will meet you also, definitely. But today we will walk out of the House on this issue and if the House provides us protection, only then we will come back, otherwise we would not return

At this stage Shri Kirpal Singh and S. Atinder Pal Singh Left the House.

13.10 hrs.

RAILWAY BUDGET, 1991-92

[*Translation*]

THE MINISTER OF RAILWAYS (SHRI JANESHWAR MISHRA): Mr. Speaker, sir, I rise to place before the House the Revised Estimates for the year 1990-91 and the estimated receipts and expenditure for the year 1991-92. The estimates for the next financial year are for the whole of the year, but at present I seek from this House only a Vote on Account, sufficient to cover the estimated expenditure for the first four months, leaving the requirements for the rest of the year to be voted separately later on.

At the very outset, I would like to share

with the House my concern on a matter of great anxiety and anguish for the nation. The conflict in the Gulf is likely to have far-reaching effects on the country's economy. "Sir, the Indian Railways have geared up to face any eventualities and shall strive their very best to minimise hardship to the common man."

Financial performance, 1989-90

I am happy to inform the House that for the fifth year in succession, the financial results of the Indian Railways showed a surplus, of Rs. 173.26 cr. as against the budgeted surplus of Rs. 140 cr., after full payment of dividend to the General Revenues amounting to Rs. 808.81 cr.

13.13 hrs.

Seventh Plan

[MR. DEPUTY SPEAKER *in the Chair*]

This takes the total surplus during the Seventh Plan period to Rs. 560 cr. and the Dividend payment to Rs. 3,249 cr. However, to complete the financial picture for the Plan period, it must be stated that Railways still had to borrow Rs. 198.08 cr. from the General Revenues for the purposes for the Development Fund, taking the cumulative figure of such loans to Rs. 534.44 cr.; deferred Dividend liability relating to an earlier period was brought down from Rs. 504.45 cr. at the beginning of the Plan to Rs. 428.44 cr; Fund balances of Railways received a net accretion of Rs. 139 cr. Plan outlay of the Railways amounted to Rs. 16,549 cr., of which Internally generated resources amounting to Rs. 7,151 cr. formed the main source of financing along with market borrowing to the extent of Rs. 2,520 cr. in the context of dwindling budgetary support. Incidentally market borrowing, for Railways, is a much costlier form of capital than the traditional budgetary support, and had to be judiciously resorted