

MR. SPEAKER: I have got this manual of Constitution. I have got lots and lots of instances, namely, Rajasthan, Orissa...

(Interruptions).

SHRI ATAL BIHARI VAJPAYEE: Nothing is going to be lost if the Presidential proclamation is approved by the House first and let the Budget be taken up later on.

MR. SPEAKER: First, there is the suspension of sub-rule (2) of rule 206; then Giani Zail Singh to move the Statutory Resolution and then there is the Kerala Budget.

SHRI K. P. UNNIKRISHNAN: You want to have a kind of *khichri*.

अध्यक्ष महोदय : कभी-कभी खिचड़ी भी पेट के लिये बहुत अच्छी होती है ।

Now, we discussed it in the Business Advisory Committee also and, accordingly, I have done it. I have seen the precedents also.

SHRI K. P. UNNIKRISHNAN: It was not discussed. I hate to talk what transpired in the Business Advisory Committee in the House.

MR. SPEAKER: It was discussed. We discussed all this. We allotted the time also for this.

SHRI K. P. UNNIKRISHNAN: The allotment of time, yes. You have not understood me correctly.

MR. SPEAKER: It is listed also accordingly. There is not much of a thing. So, I over rule it. I have got the instances where the Proclamation came afterwards and also this. In 216 (B), the Manual of Constitution, there are a lot of instances. It is about the same objection which you are raising. There are instances where Budget in respect of States under the President's Rule was passed before the Proclamation issued by the President under article 356 was approved by the Lok Sabha.

SHRI ATAL BIHARI VAJPAYEE: I have with me the Twenty-eighth Report of the Business Advisory Committee. You refer to the report. The first item is: Discussion on the Resolution seeking approval of the Proclamation.

MR. SPEAKER: It is also listed like that. First, there is the suspension of rule; then the Proclamation will come and then there is the Kerala Budget.

SHRI ATAL BIHARI VAJPAYEE: Why suspend the rule?

SHRI K. P. UNNIKRISHNAN: The suspension of rule will come later on.

SHRI PRANAB MUKHERJEE: The discussion is simultaneous.

MR. SPEAKER: All the three items are to be taken up together. Shri Pranab Mukherjee to move the motion.

MOTION RE: SUSPENSION OF SUB-RULE (2) OF RULE 206 IN RELATION TO DEMANDS FOR GRANTS ON ACCOUNT (KERALA), 1982-83

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): Sir, with your permission, I beg to move:

"That in relation to the Demands for Grants for expenditure of the Government of Kerala during the financial year 1982-83, this House do suspend so much of sub-rule (2) of rule 206 of the Rules of Procedure and Conduct of Business in Lok Sabha, as relates to 'a statement of the detailed estimate under each grant divided into items' for the purpose of granting Vote on Account by this House."

SHRI K. P. UNNIKRISHNAN: (Badagara): Sir, I beg to oppose the motion moved by the Finance Minister, Shri Pranab Mukherjee.

This House, as I mentioned earlier, gets its powers under articles 356 and 357 to legislate on this Budget. Regarding

[Shri K. P. Unnikrishnan]

financial procedures, there are some clear-cut Constitutional provisions both with regard to the Union and the States from article 113(2) onwards. There is a very clear chapter laid down regarding the Union, how Parliament should conduct the financial business. Article 113(2) clearly refers that these estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly.

Now, the very same rule, rule 206, provides that the details have to be given. Otherwise, what are we supposed to deal with? We are just going to approve or disapprove certain figures like, as it has been shown in the Kerala Budget, the expenditure on Police has gone up by Rs. 12 crores. The sub-rule (2) of rule 206 clearly refers to the details. So, the House can conduct itself only if the details are submitted. Otherwise, what are we going to discuss? If it were a provision for policemen's quarters and so on or some amenities and allowances for policemen, then, I will certainly accept. But if it is for increase in the Police force, then, we will oppose it.

I say that unless the detailed statements are furnished to the House, the House can neither discuss nor vote on this. So, my respectful submission is that this motion of the Finance Minister strikes at the very root of Parliament's power to legislate in financial matters which has been written down in detail for both Union and States and the procedure laid down. The Constitution makers, of course, did not conceive of a situation like this nor did they imagined that certain devious minds would make use of these provisions to suit their narrow ends. This is an extraordinary way of submitting the Budget with this kind of excuse even if it be for a vote on account.

I strongly oppose the Budget Estimate under Rule 262.

SHRI CHANDRAJIT YADAV (Azamgarh): I think that we have earlier suspended the Rules for there was certain urgent item where it became absolutely

necessary to suspend the Rules. The rules have been suspended in very rare cases. But this is an entirely different matter. It is a question of the suspension of the rule relating to the Budget Estimates. The Finance Minister has informed the House just now—even I am sure that this was not brought to the notice of the Business Advisory Committee—that on the date of presentation of the Budgets of Kerala and Assam, the Finance Minister will come with a proposal that they are not ready with the entire details of the Grants and Estimates and, therefore, they will like this House to be kept in darkness about what they are going to spend.

I think that the most important duty of Parliament or the Legislative Assembly is to control every penny. I am reminded of your address to Public Accounts Committee and the Estimates Committee where you have, time and again, emphasised that every penny of the people has to be scrutinised, superintended and has to be gone into detail by Parliament or its Committees.

MR. SPEAKER: Is this a shot to that arrangement?

SHRI CHANDRAJIT YADAV: I am saying that here the Finance Minister said that he is not having the details.

I would like to quote from an Mr. Pylee.

He has written in his book on 'India's constitution.' While dealing with the financial procedure, he said that.

"It is the unquestioned right of parliament under any responsible system of Government".

And we are a responsible system of Government, a parliamentary democracy,...

AN HON MEMBER: Not Government, a responsible system.

SHRI CHANDRAJIT YADAV: I am saying 'system' and, therefore, the Government should also behave with its great sense of responsibility because the system

itself is responsible not only to ensure that public funds are raised. Parliamentary history all over the world is that the Parliament has always fought for its right that without the people's representation, without the people's consent and approval, not a single pie can be even raised. 'No taxation without representation' has been the most famous slogan when the people started asserting for their right but that is only one part of it.

The second important part is that it is concerned also to exercise complete control over the way in which the nation's revenues are spent by the Government. Now we do not know in which way the Government is going to spend because the details of the Grants and Estimates are not being given. He further says as an essential safeguard for the sound administration of the nation's finances, Parliament should have unrestricted power to superintend, scrutinise, regulate and determine financial administration.

Now, what are we going to administer, scrutinise, superintend and regulate, when the details are not put before this House? It is not only that you get the approval for a sum of amount, but where that amount is going to be spent, in what manner it is going to be spent, should be known. Our Constitution has been very careful giving the entire details. Therefore, I think, you will do a great service if you do not permit the Finance Minister now and ask him to come with details. I do not know; we can find some method; he may take Vote on Account or something like that and later on he can come with the entire Budget.

My objection is regarding both Kerala and Assam because the same procedure is going to be followed in the case of both.

I would like to know one thing. The Budget was presented on the 27th February. The Kerala Assembly was in existence till about 17th March. That Government should have taken this much care to go into the details. If it had not done that then the Government, as we charge, was really an incompetent Government, it was not a responsible Government to function.

It is going to be almost two weeks. What was the Central Government doing, what was the Finance Minister to the Government of India doing, during these two weeks? In the last ten days why did he not take care to go into the details and present those details before Parliament?

The second point is this. Even this Parliament does not go into all the details. Two important Committees of Parliament, the Estimates Committee and the Public Accounts Committee, scrutinise, go into the details. I would say that, after he presents the entire details and the budgets are passed, the Parliamentary Committees, the Estimates Committee and the Public Accounts Committee, should be asked to go into the details as they scrutinise the Central budgets. (Interruptions). When the elections will be held, nobody knows about that. At least I am sure that in Assam they are not going to hold elections now. Therefore, I would request you to direct the Public Accounts Committee and the Estimates Committee of Parliament—because the entire power is being exercised by Parliament—to go into these questions.

श्री अटल बिहारी वाजपेयी (नई दिल्ली) : अध्यक्ष जी, मुझे एक निवेदन करना है। वित्त मंत्री महोदय ने कहा कि नियम को स्थगित करना इसलिए आवश्यक है क्योंकि केरल बजट का जो विवरण है, वह हिन्दी में उपलब्ध नहीं करा सकते। वह विवरण अंग्रेजी में उपलब्ध है। अगर विवरण अंग्रेजी में उपलब्ध है, तो उसे सदस्यों में वितरित कर दिया जाए। हम हिन्दी में विवरण उपलब्ध कराने पर जोर नहीं देंगे। आज वित्त मंत्री महोदय का हिन्दी भाषा से बड़ा प्रेम पैदा हो गया है। प्रति दिन मंत्री महोदय आप से अनुमति मांगते हैं कि वे वाली अंग्रेजी में कागज-पत्र सदन के पटल पर रख रहे हैं और हिन्दी का अनुवाद उपलब्ध नहीं है और आप उन्हें अनुमति भी देते हैं। (व्यवधान)

श्री हरोश रावत (अल्मोड़ा) : हम को तो हिन्दी का चाहिए न।

PROF. K. K. TEWARI (Buxar): Sir, I rise on a point of order.

MR. SPEAKER: There cannot be a point within a point of order. I have allowed Mr. Vajpayee.

PROF. K. K. TEWARY: That is precisely what I want to raise.

MR. SPEAKER: Let him complete first.

श्री अटल बिहारी वाजपेयी : अगर कठिनाई केवल भाषा की है और अनुवाद में समय लगेगा, तो उस का रास्ता निकाला जा सकता है। जो अंग्रेजी में विवरण उपलब्ध है, उसे आप सदन को मुहैया करवाइए। हम इस समय अंग्रेजी के अनुवाद पर जोर नहीं देंगे।

अध्यक्ष महोदय, सवाल बजट का है। केरल पुलिस के बारे में खर्च सदन के सामने रख दिये जायें लेकिन यह पता नहीं कि यह रूपया किन मदों पर खर्च होगा, कितना रूपया कहाँ पर खर्च होगा। इन के सम्बन्ध में हमें कुछ कहने का मौका मिलना चाहिए। संसद के साथ वित्तीय मामलों में इस तरह का व्यवहार नहीं किया जा सकता।

श्री सतीश अग्रवाल (जयपुर) : यह बजट नहीं, हवाला ट्रान्जैक्शन्स है।

श्री अटल बिहारी वाजपेयी : मेरा निवेदन है कि इस के पीछे कुछ और कारण हैं। मैं नहीं समझ सकता कि क्या कारण हैं। आखिर केरल सरकार 17 तारीख तक चलती रही, बजट तैयार हो गया था लेकिन इन्होंने जो एक कठिनाई बतलाई है, वह भाषा की कठिनाई है। उस का एक रास्ता मैंने बताया है और हमारे कांग्रेस के मेम्बर जरा हिन्दी के प्रति जरूरत से ज्यादा प्रेम न दिखाएँ।

.....(व्यवधान).....

SHRI E. BALANANDAN (Mukundapuram): Sir, one point...

MR. SPEAKER: You have not given your name.

SHRI E. BALANANDAN: Only one point...

MR. SPEAKER: You are a very seasoned Parliamentarian. You know that, if I allow you, then I will have to allow the others also.

SHRI E. BALANANDAN: I only support his argument...

MR. SPEAKER: No. If I allow you, then I will have to allow the others also. There cannot be any discrimination. The Finance Minister.

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): I would like to make only one point. As I have already mentioned, in regard to language also Mr. Vajpayee raised this question as to how we present the Demands. English and Hindi—you keep it side by side in the same document. Either you give it in the contents form or you give it in the detailed form. Therefore, the format is more or less the same. It is not that English copies are separate. It was in English and Malayalam. It was not possible... (Interruptions)

SHRI A. NEELALALOHITHADASAN NADAR (Trivandrum): Give us the Malayalam copies.

SHRI PRANAB MUKHERJEE: Let me complete my point. This was done by the Kerala Assembly... Let me explain the position. There are other types of documents where we have given the details. This permission I have sought is only for this document. So far as the explanatory memorandum is concerned and so far as the details of the annual financial statement are concerned, there we have given the details. For the Demands for Grants we have not given the details because it is a large number of items. It was a bulky budget and we thought we would present it in that form. After the President's rule was imposed, we came into the picture. We discussed with them as to how it could be done. Then it was found that within 31st March it had to be passed. Both the State Government budgets have to be passed. So it was not possible before 31st March to

do it. However, if you are interested, the copies which I have received I can place them in the library—not on the Table of the House because I have to authenticate everything...

SHRI ATAL BIHARI VAJPAYEE: Don't ask for suspension of the rules.

SHRI PRANAB MUKHERJEE: The rules are to be suspended. You are going to approve this document. You are not going to approve the Kerala Budget. That is the budget for the whole year. What I am coming for is for a vote on account for a limited period. I am not presenting the entire Budget and I am not using the entire authority of the Kerala Assembly. My objective is to just get some approval and sanction for expenditure to carry on the Government. Therefore, I am coming for a vote on account. These documents have to be approved by you.

SHRI CHANDRAJIT YADAV: Earlier your plea was that they did not prepare and it was in Malayalam and English. Now he says that he has come for a limited period. It means that it is the Central Government's responsibility to prepare this.

SHRI SATISH AGARWAL: Even vote on account has to be proportionate to the total demand. Unless we know the total demand, how can we pass it?

SHRI CHANDRAJIT YADAV: Suppose in this House they come for supplementary demands. Will they not give the whole details?

SHRI PRANAB MUKHERJEE: Unfortunately Mr. Chandrajit Yadav has not understood and Mr. Satish Agarwal is also trying to do it. Whenever we present the Budget of a State Government, we never present the full budget. Please show me one single instance.

SHRI CHANDRAJIT YADAV: Do you come to this House with a supplementary budget and do you give details or not?

12 hrs.

SHRI PRANAB MUKHERJEE: We understand the difference between supplementary Demands and vote on account.

Supplementary Demands relate to last year. I am coming and I am presenting the supplementary budget for 1981-82 and there I have given the details. Therefore, Supplementary Demands and vote on Account are two different things. What I have sought for is a limited purpose that so far as the documents relating to the demands for the year 1982-83 for which I am seeking a vote on account, there I am not presenting the details. In respect of other documents are being presented. Details in respect of the supplementary demands would have been passed by the Kerala Assembly had it been in session. For the year 1981-82, I am giving you the details. It is not that if I could produce the original documents on Kerala they would satisfy you. I cannot satisfy you. My point is that there is a precedent. As the discussions are taking place, simultaneously, these could also be taken up. Otherwise, there would have been a discussion separately. First, we could have discussed the Proclamation and then I would have come with the budget. I would have come with a motion afterwards. We are discussing simultaneously so that, both the budgets would be passed during the day. I shall have to get the approval of the other House also, so that, by 31st March, we would have some money to be placed at the disposal of Kerala and Assam. So, let us not discuss now the legality of it.

MR. SPEAKER: I have heard the hon. Members as well as the Minister on this point. Sub-rule (2) of Rule 206 provides:

"Each demand shall contain first a statement of the total grant proposed and then a statement of the detailed estimate under each grant divided into items."

As the time gap between the imposition and preparation and presentation was less, short, and these budgets in this respect had to be presented, the Minister for Finance came to me and requested that this Rule be suspended. He has explained this. I quote it:

"The Budget documents prepared by the Kerala Government are in Malayalam and English and by the Assam Government in Assamese and English; they will all have to be printed over again in Delhi. However, these documents are so voluminous and as extre-

[Mr. Speaker]

...mely limited time is available for presentation of these documents in Parliament, it would just not be possible to bring them out in the usual form or with as much details as are normally furnished for circulation among the Members of Parliament."

He accordingly requested me that the provisions of sub-rule (2) of Rule 206 be suspended. I gave my consent to the moving of the motions for suspension of the said rule in the light of the precedent of 1975. I looked that up and found that when Nagaland came under the President's Rule, the same sub-rule (2) of Rule 206 was suspended on 25th March, 1975.

Mr. Mukherjee.

SHRI PRANAB MUKHERJEE: I beg to move:

"That in relation to the Demands for Grants for expenditure of the Government of Kerala during the financial year 1982-83, this House do suspend so much of sub-rule (2) of rule 206 of the Rules of Procedure and Conduct of Business in Lok Sabha, as relates to 'a statement of the detailed estimate under each grant divided into items' for the purpose of granting Vote on Account by this House."

MR. SPEAKER: The question is:

"That in relation to the Demands for Grants for expenditure of the Government of Kerala during the financial year 1982-83, this House do suspend so much of sub-rule (2) of rule 206 of the Rules of Procedure and Conduct of Business in Lok Sabha, as relates to 'a statement of the detailed estimate under each grant divided into items' for the purpose of granting Vote on Account by this House."

The Lok Sabha Divided:

Division No. 3] AYES [12.10 hrs.

Ahmed, Begum Abida

Ahmed, Shri Kamaluddin

Arakal, Shri Xavier

Bairwa, Shri Banwari Lal

Baitha, Shri D. L.

Bajpai, Dr. Rajendra Kumari

Banatwalla, Shri G. M.

Behera, Shri Rasabehari

Bhatia, Shri R. L.

Bhoi, Dr. Krupasindhu

Bhole, Shri R. R.

Birbal, Shri

Chandrashekarappa, Shri T. V.

Chaturvedi, Shrimati Vidyawati

Chaudhary, Shri Manphool Singh

Chavan, Shri Yeshwantrao

Chennupati, Shrimati Vidya

Chingwang Konyak, Shri

Daga, Shri Mool Chand

Dalbir Singh, Shri

Das, Shri A. C.

Dennis, Shri N.

Dev, Shri Sontosh Mohan

Ekka, Shri Christopher

Gadgil, Shri V. N.

Gadhavi, Shri Bheravadan K.

Gomango, Shri Giridhar

Hakam Singh, Shri

Jadeja, Shri Daulatsinhji

Jain, Shri Bhiku Ram

Jain, Shri Virldhi Chander

Jamilur Rahman, Shri

Kamakshaiah, Shri D.

Kamal Nath, Shri

Karma, Shri Laxman

Keyur Bhusan, Shri

Khan, Shri Arif Mohammad

Khan, Shri Malik M. M. A.

Kuchan, Shri Gangadhar S.

Kunhambu, Shri K.

Kunwar Ram, Shri

Kurien, Prof. P. J.

Lakshmanan, Shri G.

Laskar, Shri Nihar Ranjan

Mahabir Prasad, Shri

Mahendra Prasad, Shri

Makwana, Shri Narsinh

Mallikarjun, Shri

Manni Lal, Shri

Mehta, Dr. Mahipatray M.
 Mishra, Shri Ram Nagina
 Misra, Shri Harinatha
 Misra, Shri Nityananda
 Motilal Singh, Shri
 Murugian, Shri S.
 Muthu Kumaran, Shri R.
 Naikar, Shri D. K.
 Namgyal, Shri P.
 Netam, Shri Arvind
 Nihalsinghwal, Shri G. S.
 Nikhra, Shri Rameshwar
 Padayachi, Shri S. S. Ramaswamy
 Panday, Shri Kedar
 Panigrahi, Shri Chintamani
 Parashar, Prof. Narain Chand
 Pardhi, Shri Keshao Rao
 Parthasarathy, Shri P.
 Patel, Shri Mohan Lal
 Patil, Shri Veerendra
 Pattabhi Rama Rao, Shri S. B. P.
 Pattuswamy, Shri D.
 Panchalaiah, Shri Pasla
 Phulwariya, Shri Virda Ram
 Poojary, Shri Janardhana
 Pradhani, Shri K.
 Pallaiah, Shri Darur
 Raju Shri P. V. G.
 Ranga, Prof. N. G.
 Rao, Shri Jagannath
 Rao, Shri M. S. Sanjeevi
 Raut, Shri Bhola
 Ravani, Shri Navin
 Reddy, Shri K. Brahmananda
 Reddy, Shri K. Obul
 Sahi, Shrimati Krishna
 Sait, Shri Ebrahim Sulaiman
 Sathe, Shri Vasant
 Satish prasad Singh, Shri
 Satya Deo Singh, Prof
 Sayeed, Shri P. M.
 Scindia, Shri Madhav Rao
 Shailani, Shri Chandra Pal
 Shankaranand, Shri B.

Sharma, Shri Kali Charan
 Sharma, Shri Nand Kishore
~~Shastri, Shri Hari Krishna~~
 Sidnal, Shri S. B.
 Singaravadivel, Shri S.
 Singh, Dr. B. N.
 Singh Deo, Shri K. P.
 Sonkar, Shri Kalapnath
 Stephen, Shri C. M.
 Subburaman, Shri A. G.
 Sunder Singh, Shri
 Suryawanshi, Shri Narsing
 Tewary, Prof. K. K.
 Thakur, Shri Shivkumar Singh
 Thorat, Shri Bhausahab
 Thungon, Shri P. K.
 Tripathi, Shri Kamalapati
 Varma, Shri Jai Ram
 Venkataraman, Shri R.
 Venkatasubbaiah, Shri P.
 Vijayaraghavan, Shri V. S.
 Vyas, Shri Girdhari Lal
 Yadav, Shri Ram Singh
 Yazdani, Dr. Golam
 Zail Singh, Shri

NOES

Agarwal, Shri Satish
 Balanandan, Shri E.
 Bhattacharya, Shri Sushil
 Chakraborty, Shri Satyasadhan
 Choudhury, Shri Saifuddin
 Giri, Shri Sudhir
 Gopatan, Shrimati Suscela
 Halder, Shri Krishna Chandra
 Harikesh Bahadur, Shri
 Imbichibava, Shri E. K.
 Indra Kumari, Shrimati
 Jethmalani, Shri Ram

Khan, Shri Ghayoor Ali

Mahata, Shri Chitta

Mehta, Prof. Ajit Kumar

Misra, Shri Satyagopal

Nadar, Shri A. Neelalohithadasan

Nihal Singh, Shri

Pal, Prof. Rup Chand

Rahi, Shri Ram Lal

Rajan, Shri K. A.

Rasheed Masood, Shri

Roy, Shri A. K.

Roy, Dr. Saradish

Shakya, Shri Daya Ram

Unnikrishnan, Shri K. P.

Vajpayee, Shri Atal Bihari

Varma, Shri Ravindra

Verma, Shri R. L. P.

Verma, Shri Shiv Sharan

Yadav, Shri Chandrajit

Yadav, Shri D. P.

Yadav, Shri R. P.

MR. SPEAKER: Subject to correction, the result* of the Division is: Ayes: 118; Noes: 33.

The Ayes have it; the Ayes have it.

The motion is adopted.

The motion was adopted.

12.09 hrs...

STATUTORY RESOLUTION RE. PROCLAMATION IN RECACTION TO STATE OF KERALA, KERALA BUDGET, 1982-83,—(GENERAL DISCUSSION).

DEMANDS FOR GRANTS ON ACCOUNT (KERALA), 1982-83

AND

SUPPLEMENTARY DEMANDS FOR GRANTS (KERALA), 1981-82.

THE MINISTER OF HOME AFFAIRS (SHRI ZAIL SINGH): I beg to move the following Resolution:—

“That this House approves the Proclamation issued by the President on the 17th March, 1982 under article 356 of the Constitution in relation to the State of Kerala.”

MR. SPEAKER: Resolution moved:

“That this House approves the Proclamation issued by the President on the 17th March, 1982 under article 356 of the Consaitution in relation to the State of Kerala.”

Now we take up the Demands also. Motions moved:

“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 Karala *on account*, for or towards defraying the charges during the year ending on the 31st day of March, 1983, in respect of the heads of demands entered in the second column thereof against Demand Nos. I to XLIV.”

*The following Members also recorded their votes:

AYER Sarvshri Sobeng Tayeng, Sled Muzaffar Hossain and Rajesh Pilot;

NOES: Sarvshri Chaturbhuj, Daulat Ram Saran, and Baju Ban Riyan.

**Moved with the recommendation of the President.