

### ORAL ANSWERS TO QUESTIONS

#### Proposal to set up silk Export Promotion Council

\*1. SHRI G.Y. KRISHNAN:

SHRI JAGDISH TYTLER:

Will the Minister of COMMERCE be pleased to state:

(a) whether there is any proposal under the consideration of Government for setting up a Silk Export Promotion Council;

(b) whether it is a fact that the conduits of silk export were drying up fast due to the high prices of raw materials and heavy competition posed by China; and

(c) if so, what steps have been taken by the Central Government to stabilise the prices as well as the future of silk shipments?

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI SHIVRAJ V. PATIL): (a) Yes, Sir.

(b) No, Sir.

(c) To stabilise the prices for export of Indian Silk, Government is allowing import of raw silk under Advance License Scheme (duty free import) and Replenishment Scheme (REP). Simultaneously, steps are also being taken to increase the production of raw silk within the country to meet the increase in demand for raw silk.

SHRI G. Y. KRISHNAN: Sir, it is very good that the Government has taken a decision to form an export Council. Now the exporters are feeling it very difficult to cope up because no exporter would accept any export order without being sure of his payment. Hence, will the Government assure that all the foreign orders against which advance licen-

ces under duty exemptions are being sought must be covered by the L/C or where the payment terms are other than L/C, they should be covered by an ECGC cover?

Secondly, the bank bond is required in cases where import licences are for less than Rs. 5 lakhs. For licences over Rs. 5 lakhs, legal undertaking is being executed by the exporters. Many licence holders have every intention of not fulfilling the export obligation and leaving the Government with legal undertaking for enforcing against them by civil suits.

It is suggested that the bank bond be obtained from large import licence holders for at least full c.i.f. value and not just 45 per cent value. I want to know whether the Government will ensure that the bond should be for the duty amount which is about 45 per cent. The premium on imported silk is 300 per cent.

SHRI SHIVRAJ V. PATIL: I think there is some misconception in the mind of the hon. Member about the creation of this Silk Export Promotion Council. What has been said in the answer is that the matter is under consideration of the Government. Government has not taken any decision. Government has not said that it is going to be established or it is not going to be established. That is the clarification I would like to give at the beginning. About the other points, I do not know whether they pertain to this Ministry, but I would just look into them.

SHRI G. Y. KRISHNAN: After the formation of the Export Promotion Council, will the Government ensure that the Central Silk Board will certify, at the time of inspection of export silk goods, that reeled mulberry silk yarn is used in warp and in weft and no spun or noil or dupion yarns are used to increase the weight—in discharge of the export oblig-

ations which are to be met on weight basis. This is very much required.

**SHRI SHIVRAJ V. PATIL:** All that is to be done by the Silk Board will be done.

**SHRI JAGDISH TYTLER:** The setting up of the Silk Export Promotion Council, as the Minister has replied, is to stabilise the prices for export of Indian silk. I would like to bring to the notice of the Minister—I do not know whether the Minister is aware—that tasar silk is the exclusive craft of the hill-folk and Adivasis of the forests of Central and North-Eastern India. For example, in Orissa, the tasar silk culture has been accepted by the Orissa Government as the principal occupational outlet of the Adivasis there. What has happened is that the indigenous, cottage and hand produced silk yarn is facing a stiff competition and is handicapped because of supply of Chinese yarn to the silk producing centres and the higher price of tasar (local) silk as compared to the imported variety from China. The Chinese yarn can be exported at as low a rate as Rs. 58 per kg. while the Indian growers, Adivasis and the hill folk are not able to go below Rs. 150 to Rs. 160 per kg so much so the Central Silk Board has opposed this import, especially Karnataka, West Bengal and Jammu & Kashmir. As per the press reporting, the Central Silk Board is wanting to press the State Governments for the withdrawal of sales-tax on sales of silk goods and press for the import of silk to meet the shortage of the yarn in the country, whereas they want to stabilise the price. I do not know what is going to happen to the Adivasis. Now I come to my question. Since the Silk Export Promotion Council is prone to be export-oriented, will it be able to look into the needs and requirements of the Indian silk, indigenous tasar silk industry? And is the Government aware of the grave crisis faced by the tasar and silk industry by the flooding of Chinese tasar in the market?

**SHRI SHIVRAJ V. PATIL:** I would like to answer that which is not posed as a question as well as that which is posed as a question. Government is taking steps to see that the price of the raw silk is stabilised.

First—the Government is trying to stabilise the prices temporarily and immediately by importing the silk from outside and also allowing imports of silk from outside. As mentioned by the hon. Member the price of silk outside is much less than the price of silk in our country. So, by getting the silk from outside and allowing the weavers to make use of that silk, the prices will go down a little.

Now, the second step the Government want to take is to see that there is enough production of silk here. Now the research activities are vigorously promoted and there are vigorously prompted and there up by the Government. One of the projects is going to be implemented in Karnataka with the help of the World Bank and the amount that is going to be spent on that project is about Rs. 80 crores. The second project which is taken up by the Government is the inter-State project. That project will be implemented in UP, Bihar, Orissa and other places and there also the Government is going to spend about Rs. 10 crores.

These are the methods which are being utilised by the Government to see that there is a growth in silk production.

The second question is about import of silk from China. Of course, the price of silk which is imported from China is a little more than what is quoted by the hon. Member. It is not Rs. 56... (Interruptions) It is Rs. 200 and the price of the same kind of silk here is Rs. 600. So there is a big margin. Therefore, by importing that silk and giving it to the weavers, we are trying to

help the weavers also. I must say that this activity has registered a growth. It is not going down. It has registered a growth. 20 per cent growth is registered by this activity in this year.

**SHRI D. P. YADAV:** I am thankful to the hon. Minister for taking care of the welfare of weavers. They are also neglected in the society. But I have been advised by one of the top scientists in the country that this policy of import of raw silk from outside the country will kill the indigenous producers. In view of the fact that you are going to invest about Rs. 90 crores as incentives, may I know from the hon. Minister what amount will be needed to help the indigenous farmers so that this Rs. 90 crores will be compensated or balanced and your own silk production industry in the field and more particularly, in the hill areas is encouraged and you help the actual farmers?

**SHRI SHIVRAJ V. PATIL:** The import of silk is not indiscriminate. Only that much quantity of silk is imported as is needed to keep the weavers do their business. The silk which is imported by the Government is about 250 metric tonnes....

**SHRI D. P. YADAV:** What is the value?

**SHRI SHIVRAJ V. PATIL:** It is not more than that.

Now, the indigenous silk production has gone down because of uzy fly disease and to compensate that we are importing silk. Now, I have already stated that we have taken steps to see that silk production also goes up with the help of the World Bank in other States also apart from Karnataka. There are so many other schemes taken up by the Government. Now, to protect this silk industry and sericulture we have been helping those who are responsible for this also. Now, the Central Government is giving help and the State Government is also giving. Now

some nets are provided to them. 50 percent has to be borne by those who grow the silk and the remaining 50 per cent will be borne by the Central and State Governments.

So, if you look to the totality of the problems, you will be satisfied to know that all that is necessary for seeing that enough silk is produced in our country is being done.

**SHRI K. RAMAMURTHY:** Mr. Speaker, Sir, my question is with regard to the first part of this question namely formation of the Silk Export Promotion Council.

Sir, the Minister is well aware that this matter has already been taken up by Dr. Alexander Committee and the Committee Report says that the formation of any sort of a separate Council from the existing sixteen promotion councils is not going to help the promotional activities of exports. In view of that, the Government has recently set up a Task Force to go into the activities of these promotion councils. The Task Force, when it was sitting in Madras, on behalf of the Export Promotion Council Employees' Federation of India, I gave the evidence saying that the employees of these promotion councils were totally opposing the formation of the promotion councils in view of these weakening the handloom export promotion council. In view of that, I want to know whether the Minister is aware of this sort of reported evidence given before the Task Force and whether the Government will revise its thinking on this line.

**SHRI SHIVRAJ V. PATIL:** There are two trends. According to one trend, these export promotion councils should come into existence. According to the other trend that is not going to help. We are examining the views expressed by both the sides. I have said on the floor of the House just now that we have not taken any decision. We are just looking into that and after examining all aspects, a decision has to be taken.

MR. SPEAKER: Question No. 2 Shri Ebrahim Sulaiman Sait.

SHRI EBRAHIM SUALAIMAN SAIT: Question No. 2.

SHRI RATANSINH RAJDA: Sir, I have got an objection. Shri Pranab Mukherjee has not *locus standi*.

THE MINISTER OF FINANCE (SHRI PRANAB MUKHERJEE): Shri S'sodia is replying.

SHRI ATAL BEHARI VAJPAYEE: The question is in the name of the Finance Minister.

MR. SPEAKER: All right. The Minister of State for Finance can handle that question.

SHRI ATAL BEHARI VAJPAYEE: We are not objecting to the reply being given by the Deputy Minister. Still, our basic objection remains.

Mr. SPEAKER: What is it?

SHRI ATAL BEHARI VAJPAYEE: Kindly listen to us. (*Interruptions*)

Mr. SPEAKER: Please sit down.

SHRI RATANSINH RAJDA: We object to this.

DR. SUBRAMANIAM SWAMY: Why not promote him and make him a Cabinet Minister?

SHRI RATANSINH RAJDA: Sir, the Minister should take it seriously. (*Interruptions*).

MR. SPEAKER: As a special case, I will allow his point of order. I would like to hear him now.

SHRI RATANSINH RAJDA: This is a very significant and most important question that has arisen because of the recent re-shuffling of the Cabinet. Now, the Prime Minister, in her wisdom has appointed Shri Pranab Mukherjee as the Finance Minister. (*Interruptions*).

SHRI K. RAMAMURTHY: How can you allow him?

SHRI RATANSINH RAJDA: Mr. Speaker has allowed me.

MR. SPEAKER: I have allowed him.

SHRI K. RAMAMURTHY: Sir, in the Question Hour there should not be any discussion. You should not form a new precedent in the House. In the Question Hour, there should be no discussion. Why should a new precedent be allowed? (*Interruptions*).

MR. SPEAKER: Mr. Ramamurthy, you did not listen to my observations. I have allowed this as a special case in the Question Hour.

SHRI K. RAMAMURTHY: No, no. This is a Question Hour. How can you allow this? (*Interruptions*)

MR. SPEAKER: I have got every right and I have used it. I am not going to withdraw it. Please take your seat.

SHRI K. RAMAMURTHY: What is the speciality in it? I am so sorry. You should not allow him.

MR. SPEAKER: You do not realise certain things. This point pertains to this Question. I have to listen to it before I give my ruling. It pertains to the Question, otherwise I would not have allowed it in the Question Hour.

(*Interruptions*)

SHRI RATANSINH RAJDA: Mr. Speaker, Sir. I am raising a question of fundamental propriety. There is a gross violation and breach of the established precedents and conventions of this House.

Sir, in a parliamentary democracy the Finance Minister must have popular sanction behind him whereas Shri Pranab Mukherjee belongs to the Rajya Sabha. Sir, Pandit Jawahar Lal Nehru took meticulous care to see that Money Bills were piloted by the hon. Minister elected by the people. (*Interruptions*)

SHRI K. LAKKAPPA: Sir, what is the speciality in it? It should not be allowed. (*Interruptions*.)

**SHRI K. RAMAMURTHY:** Sir, you are encroaching on the Question Hour. Nobody can do it.

**SHRI RATANSINH RAJDA:** Sir, I would like to submit and, I hope, even hon. Members on the other side would bear with me that this is a question which should enlighten our future proceedings also, namely, whether one who is not the Member of this House, namely, Lok Sabha can preside over the portfolio of Finance. It is from that view point that in England—Mother of Parliaments—the Chancellor of the Exchequer always belongs to the House of Commons.

Sir, there was a movement in England. 'No taxes without representation' and there is a convention that invariably the Chancellor of the Exchequer belongs to the House of Commons.

(Interruptions)

Sir, it appears that the hon. Member, Shri Lakkappa, is frustrated because he has not been inducted in the new reshuffle. As I submitted this is the position as far as the Chancellor of the Exchequer is concerned. In our country we have adopted the Westminster model. Now, what is the scheme of things in our Constitution? Parliament consists of President, Rajya Sabha and Lok Sabha. Now, Rajya Sabha can consider all other matters but when it comes to Money Bills, Rajya Sabha has no *locus standi*.

(Interruptions)

Mr. Speaker, Sir, as far as our House is concerned, Lok Sabha has exclusive jurisdiction on financial matters and Rajya Sabha has no *locus standi*. That is the distinction that our Founding Fathers made when our Constitution was framed. Now, I have an Authority 'English Government and Politics' written by Fredrick Ogg who states as follows regarding the Chancellor of Exchequer:

"This official is very definitely the Finance Minister of the Kingdom . . . as the working member of the Treasury Board he counsels

with the spending Departments and officers on the appropriations and they will ask, prepare the annual budget embodying a programme of taxation calculated to produce the requisite income, pilots financial measures through . . . Acts as Master of the Mint and supervises the collection of the revenues. It is hardly necessary to add that the nature of his duties requires that he be a Member of the House of Commons, where Finance Bills make their first appearance, and where alone in point of fact, their fate is in these days, determined."

Sir, this completely applies to our Lok Sabha. And, from that view-point, I would very humbly submit that Shri Pranab Kumar Mukherjee, being a Member of Rajya Sabha, has no *locus standi* to preside over the portfolio of Finance. This is my humble submission. Sir, there is no popular sanction behind it. That is what I would like to submit.

**AN HON. MEMBER:** We want your ruling.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, वित्त मंत्री के पद पर . . .

**SHRI BHIKU RAM JAIN:** Will it not be an erosion of the rights of the Members in putting questions (Interruptions)

**SHRI SONTOSH MOHAN DEV:** We should also be allowed to put our view on record. You must allow us to speak after they have finished. You have created an unprecedented thing.

**SHRI SATYASADHAN CHAKRABORTY:** It is you who have created the unprecedented thing. Why don't you question this? (Interruptions)

**MR. SPEAKER:** Mr. Chakraborty, please sit down. I must explain the position to the House. I have to explain this to the House. I took this decision on a special basis because

the Question pertaining to Finance happens to be on this very first day and the Finance Minister had to reply. Before the Finance Minister could reply, they could raise that question. If he had replied, the facts would have been checked. Otherwise there was no question of raising this question. That is why I am departing from the usual practice that no points of order are allowed in Question. Hour. So you must realize certain things. I had no choice. They must be heard. This is the point. So, that is right. Now, you please sit down. Why don't you understand certain things? Now, Shri Vajpayee.

(Interruptions)

MR. SPEAKER: Order please, Shri Vajpayee.

(Interruptions)

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मुझे खेद है कि इस मामले ने पार्टी का रूप ले लिया है। यह सरकारी पार्टी और बहुमत या अल्पमत का सवाल नहीं है। आज आप बहुमत में हैं, कल आपका बहुमत बदल सकता है। यह प्रश्न व्यक्तिगत प्रश्न भी नहीं है। मैं यह भी स्पष्ट करना चाहता हूँ कि श्री प्रणव मुखर्जी के प्रति हमारे मन में आदर है, लेकिन यह प्रश्न लोक-सभा के अधिकारों का है। संविधान के निर्माताओं ने जो ढांचा तैयार किया है, उसमें एक बात स्पष्ट है कि जहाँ तक वित्तीय मामलों का सवाल है, लोक-सभा का शब्द अंतिम शब्द है, राज्य सभा में मनी-बिल इनीशियेट नहीं हो सकता, वह अमैडमेंट नहीं कर सकती, डिमांड्स फार ग्रान्ट्स राज्य-सभा में नहीं जाती हैं।

जहाँ तक वित्तीय मामलों का सवाल है, राज्य-सभा का कोई अधिकार नहीं है। संविधान में यह जो संतुलन बनाये रखा गया है, इसके पीछे लोकतंत्र की भावनाएँ

हैं कि जनता द्वारा जो चुने जायेंगे, वे जनता पर टैक्स लगाने का अधिकार रखेंगे। क्या आप इसको बदलना चाहते हैं? अगर बदलना है तो खुले आम बदल दीजिये, इन तरीकों से न बदलिये। (व्यवधान) खुलेआम तरीकों की चर्चा हो रही है।

एक माननीय सदस्य : तुम्हारी पार्टी कर रही है।

AN HON. MEMBER: They a dyans-tic rule.

श्री अटल बिहारी वाजपेयी : श्री प्रणव मुखर्जी राज्य-सभा के सदस्य हैं। राज्य-सभा का काउंसिल आफ स्टेट्स कहा जाता है। वित्त मंत्री जनता का प्रतिनिधि नहीं है, राज्यों का प्रतिनिधि है, राज्यों का भी प्रतिनिधि नहीं है, एक राज्य का प्रतिनिधि है। प्रधान मंत्री किसी को नामजद करके राज्य-सभा में ला सकती हैं, पार्टी अपने घर के भीतर ऐसा फैसला कर सकती है कि कोई व्यक्ति राज्य-सभा में पहुँच सकता है मगर बिना जनता के वोट के कोई लोक-सभा में नहीं आ सकता।

एक माननीय सदस्य : लेकिन छः महीने के लिये मिनिस्टर रह सकता है।

श्री अटल बिहारी वाजपेयी : क्या आप छः महीने के प्राविज़िन का फायदा उठाना चाहते हैं? अगर आप आश्वासन दे दें कि श्री प्रणव मुखर्जी रिजाइन करेंगे और लोक सभा का चुनाव सीक करेंगे, तो हम अपनी आपत्ति वापस ले लेंगे।

हमने इस देश के लिये वेस्टमिन्स्टर का ढांचा तय किया है। इंग्लैंड में परम्परा इस तरह से विकसित की गई कि सत्ता राजा के हाथ से निकल कर हाउस आफ लार्ड्स में आई,

और हाउस आफ लार्डज़ से निकल कर हाउस आफ कामन्स में आई। यह विकास की प्रक्रिया थी, घड़ी की सुई आगे बढ़ रही थी। हमारे देश में घड़ी की सुई पीछे ले जाई जा रही है।

संविधान में तो यह भी नहीं लिखा हुआ है कि प्रधान मंत्री लोक सभा का मेम्बर होना चाहिये। लेकिन यह एक संसदीय परम्परा है। क्या भविष्य में यह कह कर इस परम्परा का पालन नहीं किया जायगा कि संविधान में यह कहाँ लिखा गया है कि प्राइम मिनिस्टर लोक सभा का सदस्य होना चाहिये? लोकतंत्र परम्पराओं पर चलता है, परिपाटियों पर चलता है।

**अध्यक्ष महोदय :** यह तो पहले बदन चुका है।

**श्री अटल बिहारी वाजपेयी :** परिपाटियों पर पानी फेरा जा रहा है, परम्पराएं तोड़ी जा रही हैं, लोक सभा के अधिकारों पर हमला हो रहा है। जब यह चर्चा हो रही है, तो सदन में प्रधान मंत्री को होना चाहिये था। मुझे कांग्रेस के मेम्बरों की इस तरह की आपत्तियों पर आश्चर्य हो रहा है। हम तो उनमें से किसी के केस को प्लीड कर रहे हैं। क्या लोक सभा के कांग्रेस के मेम्बरों में एक भी ऐसा नहीं था, जो वित्त मंत्री बनाने के लायक था? लेकिन मैं पार्टी का मामला नहीं उठा रहा हूँ। (व्यवधान)

**श्री जगदीश टाईटलर :** जब इंदिरा जी को लोक सभा से निकाला गया, तो वह कौन सी संसदीय परम्परा थी? (व्यवधान)

**श्री अटल बिहारी वाजपेयी :** अध्यक्ष महोदय, आप उनको कहें कि वे अपने विचार बाद में प्रकट करें। (व्यवधान)

**अध्यक्ष महोदय :** आप बैठ जाइए।  
(व्यवधान)

**अध्यक्ष महोदय :** आप लोग क्या कर रहे हैं?

(व्यवधान)

**श्री विलास मुत्तेमवार :** आप लोगों ने ही सारी संसदीय परम्पराओं को तोड़ा और आज आप लोग परम्परा की दुहाई देते हैं। (व्यवधान)

**श्री अटल बिहारी वाजपेयी :** लोक सभा से निकालने की परम्परा हमने शुरू नहीं की थी। वह भी आपने शुरू की थी। लेकिन इस समय में उसमें नहीं जाना चाहता।

मेरा निवेदन है कि इस सवाल पर थोड़ा गहराई से विचार होना चाहिये और लोक सभा के जो अधिकार हैं, उनको किसी तरह से कम करने की कोशिश नहीं होनी चाहिये। स्वस्थ परम्पराओं की रक्षा होनी चाहिये। अगर आवश्यक हो, तो नई परम्पराएँ डाली जा सकती हैं, लेकिन ऐसी परम्पराएँ नहीं, जो लोकतंत्र में लोगों के विश्वास को कम करती हैं और एक्सीक्यूटिव के हाथ में ज्यादा शक्ति देती हैं।

(Interruptions.)

MR. SPEAKER: I know this is Question Hour. I know the limitations.

PROF. MADHU DANDAVATE: Sir, I have given a notice about breach of propriety. It is not a question of privilege but a question of propriety. Look at the traditions. I would like to introduce one more argument in whatever Vajpayeeji has said. What will be the paradox in this House? The Finance Minister will be presenting the budget to the House and will not be voting. All of us will be voting and if a journalist asks the Finance Minister "have you voted for your budget?", he would say "all others have voted but I have not voted for my budget". This is the greatest paradox. I will quote 3 or 4 references. If you look at May's Parliamentary

Procedure and if you look at Shakh-dhar's Parliamentary Procedure, you would find in the chapter on authorisation—it is explicitly clear—that as far as Money Bill is concerned, it cannot be initiated in the Upper House.

MR. SPEAKER: There, you are correct.

PROF. MADHU DANDAVATE: I am very cautious about the wording. I am looking at the nodding of your head.

MR. SPEAKER: Yes, Money Bill cannot be initiated in the Upper House.

PROF. MADHU DANDAVATE: They cannot be initiated in the Rajya Sabha. But how could they be initiated by a Member who belongs to the Rajya Sabha? That is a very important aspect. One more point which I would like to mention is that in the United Kingdom, firstly there is no written Constitution. We have a Written Constitution in our country. But, Sir, no where in the past, it was written in the Constitution that the Prime Minister will not belong to the Lower House. But there was the *raison d'être* that if anyone represents this House, he or she must have the widest mandate of the people. I do not want to show disrespect of the Upper House, but it is a fact that those of us who are elected to the Lok Sabha are directly elected to the House with the widest mandate. And, therefore, it has been the convention. The Prime Minister could have been selected from the Rajya Sabha. But when Mrs. Gandhi belonged to Rajya Sabha, she was deliberately not chosen as the Prime Minister of the country. She had to come to the Lok Sabha to be chosen Prime Minister of the country. This is a very important and relevant argument. And now even changes are sought to be made in the Constitution 5 so that statutorily the Prime Minister will have to be from

the Lower House. Therefore, on the basis of these practices, Parliament is conducted more by conventions and norms. And if you go through the rulings of Dadasaheb Mavalankar, you will see that on one occasion when a privilege motion was brought against a Member of this House in the Rajya Sabha, he said: 'I will not allow my Members to be subjected to the jurisdiction of the other House.' That was the case of N. C. Chatterjee....

MR. SPEAKERS: And *Vice-versa*.

PROF. MADHU DANDAVATE: ...who had said in Madras regarding the Special Marriage Bill that it was only a pack of urchins that had passed that Bill. He went to that extent. And therefore, a privilege Motion was brought in that House. But Dadasaheb Mavalankar said: 'I shall never allow my Members to be subjected to the jurisdiction of the other House.' Therefore, on 17th, 18th and 19th December, 1956 the Presiding Officers' Conference was held at Madras. There he evolved the procedure and there actually everything was formalised and a resolution was passed in the Legislature. So, very often it is the convention that is more important. And therefore, on the basis of the accepted norms in U.K. as well as in India, as well demand that if the Finance Minister cannot be chosen from among the Lok Sabha MPs, at least the present Finance Minister should honourably tender his resignation and someone else should handle that portfolio. Very often when the Government is dismissed, when the Chief Ministers are dismissed, the Chief Minister is allowed to continue as a caretaker Chief Minister for some time. So, Shri Venkataraman may continue as a caretaker Finance Minister for some time pending the election of the Finance Minister. That is my plea.

DR. SUBRAMANIAM SWAMY: I want to ask one question and the

Law Minister can answer that. At that time of voting, can Mr. Pranab Mukherjee, if he is allowed to speak as Finance Minister, stay or when we have hundred or four hundred amendments, will he have to walk out each time when the division bell is rung?

MR. SPEAKER: Nothing. He has to stay. Nobody is allowed to go out.

(Interruptions)

MR. SPEAKER: I cannot. I have allowed you one dose. I have got other Members. No Mr. Shejwalker, no submission.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGAN NATH KAUSHAL): Mr. Speaker, Sir, I draw the attention of the House to the various provisions of the Constitution because in my submission all the discussion which is being raised is contrary to the provisions of the Constitution itself.

First of all have a look at Article 74, then Article 75. then Article 88.

In Article 74 it is laid down:

"There shall be a Council of Ministers, with the Prime Minister at the head to aid and advise the President, who shall, in the exercise of his functions, act in accordance with such advice."

This Article does not indicate that when the Council of Ministers is being formed, what the requirements. The President can appoint a Council of Ministers. And then the next Article 75—I am referring to Article 75, Clause (5)— says:

"A Minister who for any period of six consecutive months is not a member of either House of Parliament shall at the expiration of that period cease to be a Minister."

This is a very important Article for the consideration of the Members.

SHRI SATYASADHAN CHAKRABORTY: Nobody is challenging it.

MR. SPEAKER: Why are you standing up?

SHRI SATYASADHAN CHAKRABORTY: We are talking of conventions.

MR. SPEAKER: Please sit down. Mr. Chakraborty, can't you sit down?

No; nothing is going on record.

(Interruptions)\*\*

MR. SPEAKER: Please sit down now. Not allowed.

(Interruptions)\*\*

MR. SPEAKER: You were trying to advise others. Now you are trying to do it yourself. No.

(Interruptions)\*\*

MR. SPEAKER: They have explained their position. Let him explain his.

MR. SPEAKER: No; I will not.

(Interruptions)\*\*

SHRI JAGAN NATH KAUSHAL: Then about the other important Article. I would answer the points which have been raised by my friends; but permit me first to draw your attention to the constitution itself, because the conventions on which you are trying to rely cannot have precedence over the written word of the Constitution.

And Article 88 says:

"Every Minister and the Attorney-General of India shall have the right to speak in, and otherwise to

take part in the proceedings of, either House, any joint sitting of the Houses, and any committee of Parliament of which he may be named a member, but shall not by virtue of this article be entitled to vote."

Now, the reading of these three Articles together makes one thing clear: one can be a Minister, even without being a Member of either House of Parliament. Now, then what is the situation within that period? A person is a Minister. He does not belong either to the Lok Sabha or to the Rajya Sabha. Are we going really to say that the budget cannot be presented during that period?

SHRI ATAL BIHARI VAJPAYEE:  
Not by the same Member.

SHRI C. M. STEPHEN: But you said that if an undertaking is given...  
(Interruptions)

SHRI JAGAN NATH KAUSHAL: Merely saying 'No' will not help us. Now about the convention. According to me, much argument is not needed because you are trying to base your arguments on a convention which you say is followed in U.K. May I bring to your notice one very fundamental distinction between the position there, and the position prevailing here? The fundamental distinction is that there, a member of one House can only go to the other House; but he cannot speak there; he cannot take part in the proceedings. Here, we have a specific mandate of the Constitution. And that is why I brought to your notice Article 88 which says that every Minister has a right to speak in, and also take part in the proceedings of the House.

This position does not prevail in England; and if it does not prevail in England, surely you cannot bring in any convention which is against the specific provisions of this Article. Therefore, the only other argument which you are trying to say is this, viz. that the money bill originates in this House, and that the Rajya Sabha

has only a limited jurisdiction on money bills. But that has nothing to do with the question which we are debating—whether a Member of the Rajya Sabha can initiate a money bill. It only depends on whether he can be a Minister. If he can be a Minister, then any portfolio he can handle and once he handles that portfolio, he has a right to act as a Minister. If the portfolio of Finance comes to a Member of the Rajya Sabha then it is for the consideration of the Members' and I think there should be there can be no second opinion that there is no bar; and if there is no bar, then, according to me, neither is there a breach of the Constitution nor is there any prohibition in the Constitution. We cannot depend upon a convention which possibly cannot be brought here because we have a written Constitution; and the written Constitution specifically makes a departure, it makes a departure from the position prevailing in U.K. There a Member of the Upper House cannot take part in the proceedings of the Lower House. If he cannot take part in the proceedings, then, surely that convention cannot be brought here. In my submission, this question does not arise.

(Interruptions)

MR. SPEAKER: I cannot open it for all the members. I have allowed three specific objections raised by the hon. Members. Now I am hearing the Law Minister. Nothing more than that. If you had given me your name I would have included it.

(Interruptions)

PROF. MADHU DANDAVATE: On the basis of this argument, will you have a Prime Minister from the Upper House? (Interruptions)

AN HON. MEMBER: We had it once.

PROF. MADHU DANDAVATE: You will. Of course, now, you dare not.

(Interruptions)

MR. SPEAKER: I am not allowing you, I am not for conjecturing.

(Interruptions)

MR. SPEAKER: I am not acting on hypothesis.

(Interruptions)

MR. SPEAKER: Why have you taken such an authority on your head to speak like this?

(Interruptions)

MR. SPEAKER: Disallowed.

(Interruptions)

SHRI SATYASADHAN CHAKRABORTY: It is a dangerous interpretation of the Constitution. You must allow me to speak on this.

MR. SPEAKER: No.

SHRI SATYASADHAN CHAKRABORTY: Why?

MR. SPEAKER: I am Speaker, Sir.

SHRI SATYASADHAN CHAKRABORTY: Fortunately, you are the Speaker and I am only an ordinary member. I would like to ask only one question. (Interruptions)

MR. SPEAKER: I cannot make a distinction.

(Interruptions)

MR. SPEAKER: I will not allow you.

(Interruptions)

MR. SPEAKER: Not allowed.

(Interruptions)

MR. SPEAKER: You can ask about it afterwards if you like, but not in this question.

(Interruptions)

MR. SPEAKER: I got three written objections. I have allowed only those

three hon. members. No more discussion; no more questions.

(Interruptions)

MR. SPEAKER: Afterwards, You can challenge it later on.

(Interruptions)

MR. SPEAKER: Nothing doing.

(Interruptions)

MR. SPEAKER: Whatever this gentleman is saying is without my permission.

(Interruptions)\*\*

MR. SPEAKER: It is too ridiculous.

(Interruptions)\*\*

MR. SPEAKER: This is very bad, extremely bad.

(Interruptions)\*\*

MR. SPEAKER: Nothing is going on record whatever you say. You are speaking without my permission.

(Interruptions)\*\*

MR. SPEAKER: No, my friend, Shri Satyasadhan Chakraborty, I am not allowing you. I am sorry.

(Interruptions)\*\*

MR. SPEAKER: You must feel sorry.

(Interruptions)\*\*

SHRI JAGAN NATH KAUSHAL : Can I make a request to the hon. members on the opposite side?

MR. SPEAKER: You can ask the Speaker and not the hon. Members.

(Interruptions)\*\*

SHRI JAGAN NATH KAUSHAL: When I am on my legs I should be allowed to continue. Now the other fact which was raised by some members was: can there be a Prime Minister from the Rajya Sabha? May I

bring to your notice that the present Prime Minister of India, during her first spell as Prime Minister, from January 1966 to March 1967, was a Member of the Rajya Sabha?

She was a Member of the Rajya Sabha. It is there.

(Interruptions)

There is no substance in the point which they have raised and the convention which they are trying to bring from U.K., does not apply at all. This point of order should be overruled.

(Interruptions)

MR. SPEAKER: Gentlemen, it is all right now. Now I have heard the objections.

(Interruptions)

MR. SPEAKER: I have heard the objections. I have heard the Law Minister. Objection has been taken...

(Interruptions)

MR. SPEAKER: Please, please.

SHRI RATANSINH RAJDA: May I reply to the Law Minister?

MR. SPEAKER: I am not allowing. If you have got any other Constitutional point you can take it up later on.

SHRI RATANSINH RAJDA: May I exercise my right to reply to the Law Minister?

MR. SPEAKER: Please sit down. Now, I have heard both the sides and I am not going to allow.

PROF. SATYASADHAN CHAKRABORTY: Mr. Speaker, Sir,....\*\*\*

SHRI KRISHNA CHANDRA HALDER: According to his interpretation the Council of Ministers can be nominated from the Rajya Sabha. (Interruptions)

MR. SPEAKER: If you had given me in writing I would have allowed. I have limited it; no discussion. You are unnecessarily transgressing all limits. I told you that three Members have given me in writing I would have allowed. Now, I cannot. Please sit down.

(Interruptions)

MR. SPEAKER: Please, it is not going to take us anywhere.

(Interruptions)

MR. SPEAKER: No, no. Now objections have been raised to the appointment of the Finance Minister.

PROF. SATYASADHAN CHAKRABORTY: You will understand, later on, Mr. Stephen.

MR. SPEAKER: If every Member is going to take the House like this, what will happen, I do not know. Mr. Balanandan, why do you not tell him?

(Interruptions)

MR. SPEAKER: I am not going to allow him.

SHRI KRISHNA CHANDRA HALDER: I want a clarification from the Law Minister. (Interruptions)

MR. SPEAKER: No, no, no. I will not allow. I told you. I have heard the objections as well as the arguments for and against the appointment of the Finance Minister. Objections have been on the point that he belongs to the Upper House and as the over-riding authority in financial matters lies with the Lok Sabha, he should not have been appointed from there, and they have cited certain U.K. conventions.

PROF. MADHU DANDAVATE: And our conventions also.

MR. SPEAKER: Yes, our conventions. We have to look towards this. At the very outset I would like to state that the position obtaining in India has to be understood in the context of our written Constitution. We

have specified certain things, clarified them and specific provisions have been made therein. I will refer to Article 75(5), which implies that a Minister may be from either House. Under Article 77(3) the allocation of the business of Government amongst the Ministers is done by the President on the advice of the Prime Minister. There is no specific provision that a Minister holding any particular portfolio should be drawn from a particular House.

Secondly, I would also like to draw the attention of the hon. Members to the provisions of Article 88, which clearly provide that every Minister has a right to speak in and otherwise to take part in the proceedings of either House even though he may not be entitled to vote. Ministers of State and Deputy Ministers of Finance have in the past also been drawn from the upper House. On the other hand, in the United Kingdom the Minister has a right to visit the other Chamber of which he is not a Member but cannot take part in the proceedings of that House and he cannot vote just as in ours also he cannot vote. The position obtaining in India is, therefore completely distinct. It is up to us to do whatever we like, but do according to the Constitution.

So, I must say that the fact that we have not so far had a Minister of Finance from the other House does not preclude a Member of Rajya Sabha from being appointed a Minister of Finance.

Question No. 2. Shri Ebrahim Sulaiman Sait.

SHRI KRISHNA CHANDRA HALDER: I want some clarification.

MR. SPEAKER: Later on I will allow you. I have not barred; I only said not at this stage.

SHRI RATANSINH RAJDA: What about the conventions?

MR. SPEAKER: Conventions are made by you;

Question No. 2.

## Dearness allowance to Central Government Employees

\*2. SHRI EBRAHIM SULAIMAN SAIT:

SHRI RAM VILAS PASWAN:

Will the Minister of FINANCE be pleased to state:

(a) number of dearness allowance instalments which are due to be sanctioned by Government and are payable to Central Government employees;

(b) the date from which these are due; and

(c) whether Government propose to release any of the instalments in the near future and if not, the reasons thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SAWAI SINGH SISODIA): (a) and (b). 4 instalments of Dearness Allowance have so far become due for consideration from 1-8-1981, 1-10-1981, 1-11-1981 and 1-1-1982.

(c) The payment of the above instalments of Dearness Allowance is under consideration. Some discussions in the matter have also been held with the Staff representatives as to the manner of payment of the arrears of the Dearness Allowance instalments which became due for consideration with effect from 1-8-1981 1-10-81 and 1- - 982.

SHRI EBRAHIM SULAIMAN SAIT: I would like to know, when four instalments of DA have become due, what is the reason for the delay in paying these instalments to the Government employees? Can the Government fix the date when the Government will pay the DA instalments to the Government servants? I would also like to know the mode of payment that the Government propose to adopt will it be in cash or are Government thinking of depositing this DA, in the Provident Fund of the Government employees? What is the mode of payment and on what date will the Government make the payment to the Government employees?