

Title: Allocation of subjects to different Ministries.

SHRI PRAKASH PARANJPE (THANE): Shall we continue with the discussion on disinvestment after 6 p.m. also?

MR. CHAIRMAN: The discussion on disinvestment will take place between 4 p.m. and 6 p.m.

SHRI PRAKASH PARANJPE (THANE): So, there will be no discussion on it after 6 p.m.

MR. CHAIRMAN: Discussion on disinvestment will be over by 6 p.m.

...(Interruptions)

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): In Rajya Sabha, the Minister had given a reply for about one-and-a-half hours. ...(Interruptions)

MR. CHAIRMAN: We have agreed to it in the BAC.

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Whatever might have happened in the BAC, I am now making this request on the floor of the House to you.....(Interruptions)

MR. CHAIRMAN: The leaders participated in the meeting of the BAC also. Let us start the discussion now.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, let me clarify the position on behalf of our Party. We did agree in the meeting of the BAC that, if necessary, to accommodate Government business, we shall sit late in the evening. But if you restrict the limit of the Discussion under Rule 193, the nature of it being disinvestment, to two hours, it will be an injustice done to the whole debate. The issue of disinvestment is not only important but it also requires a lot of interventions.

MR. CHAIRMAN: Let us first start the discussion. Shri Acharia may initiate the discussion.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Sir, before the Discussion under Rule 193 is taken up, I would make a point. It 'may be' a point of order also.

MR. CHAIRMAN: There is no question of 'may be'. There is no point of order. You must be definite about your stand. Are you raising a point of order?

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Yes.

MR. CHAIRMAN: Read the relevant rule. If I find that there is no point of order, then I will give my ruling.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Rule 194 of the Rules of Procedure and Conduct of Business says:

"If the Speaker is satisfied, after calling for such information from the member who has given notice and from the Minister as he may consider necessary—"

Here, the Minister is for Disinvestment. He is a new type of Minister who has been inducted in the Union Cabinet only a few months back. What is his position? Such a type of position has never been enjoyed by any Minister in the past. Therefore, in the Rule Book, the House could not frame such rules as to conduct the business.

MR. CHAIRMAN: You have to tell this to the Rules Committee.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Rule 389 speaks about residuary powers. It says:

"All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct."

MR. CHAIRMAN: I am not required to exercise my residuary powers.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Article 77 (3) of our Constitution says:

"The President shall make rules for the more convenient transaction of the business of the Government of

India and for the allocation among Ministers of the said business."

Now, disinvestment is being made in the Department of Textiles, Department of Heavy Industries, Department of Civil Aviation, Department of Chemicals and Fertilisers.

MR. CHAIRMAN: I am giving my ruling that there is no point of order.

(c3/1605/brv-bks)

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Sir, now I want your ruling.

MR. CHAIRMAN (SHRI P.H. PANDIYAN): I have already given my ruling that I am not inclined to exercise the residuary powers conferred on the Chair in this matter. I will read out my observation.

...(Interruptions)

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Let me complete it....(Interruptions)

MR. CHAIRMAN: I have heard the hon. Member.

...(Interruptions)

SHRI TARIT BARAN TOPDAR (BARRACKPORE): What is the power of the Disinvestment Minister? Is he above the Textiles Minister? Is he above the Petroleum Minister? Is he above the other Cabinet Ministers? Therefore, the Prime Minister is the only competent Minister to respond to this point and not the Disinvestment Minister. In the rank, he is not above the other Cabinet Ministers. ...(Interruptions)

MR. CHAIRMAN: I will pass on the observations. Now, I will make my observation also on this point.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): In your judicious wisdom, out of your practical experience of law and presiding over the Chair, I think you will give a verdict.

SHRI BASU DEB ACHARIA (BANKURA): As the former Speaker of the Tamil Nadu Assembly, you will give a verdict.

MR. CHAIRMAN: Under article 77(3) of the Constitution, the President shall make rules for the more convenient transaction of the business of the Government of India, and for the allocation among Ministers of the said business. In pursuance of the said article, Rules are framed by the Government for allocation of business amongst different Ministries which are amended from time to time, keeping in view the exigencies of the situation.

It is the prerogative of the Government, not you, to decide the allocation of subjects to different Ministries or reallocate certain subjects and create a new Ministry/Department.

In view of the above, the matter does not give rise to any point of order.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): No, Sir. In the Rules of Procedure and Conduct of Business, no new rule has been framed....(Interruptions) One Cabinet Minister cannot be above any other Minister. Only the Prime Minister can do that....(Interruptions)

MR. CHAIRMAN: I have already given my ruling.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): It is being done in contravention of the rules of business.

SHRI A.C. JOS (TRICHUR): I agree that the allocation of business is the prerogative of the Government....(Interruptions)

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Let the Prime Minister respond to it.

MR. CHAIRMAN: Are you interested in the debate on disinvestment or in the Ministry?

SHRI TARIT BARAN TOPDAR (BARRACKPORE): We are interest in both....(Interruptions)

MR. CHAIRMAN: Shri Jos, under what rule are you standing up now?

SHRI A.C. JOS (TRICHUR): Sir, I am supporting your ruling. But I want to tell one thing....(*Interruptions*)

MR. CHAIRMAN: I have already given my ruling. That is final.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Sir, you may reconsider it. My point is that no new rule of business has been framed after such a Ministry was created.

MR. CHAIRMAN: There is no question of revising my ruling.

...(*Interruptions*)

MR. CHAIRMAN: That is why I said in the first instance that I am not inclined to exercise the residuary powers of the Speaker in this extraordinary case.

...(*Interruptions*)

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Is this an extraordinary case? You are on record saying that this is an extraordinary case....(*Interruptions*)

MR. CHAIRMAN: It is a debate on disinvestment and not on procedural wrangles.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): We have given a notice. We are very much interested in that....(*Interruptions*)

MR. CHAIRMAN: Already, ten minutes have passed. Shri Jos, under what rule are you standing up?

SHRI A.C. JOS (TRICHUR): It is about your ruling only. I welcome your ruling. The only thing is this....(*Interruptions*)

MR. CHAIRMAN: After giving my ruling, no hon. Member can question that ruling.

SHRI A.C. JOS (TRICHUR): I am not questioning it.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): I am appealing to you for a clarification....(*Interruptions*)

MR. CHAIRMAN: Even you cannot ask for any clarification. That is the practice.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Everywhere, there is scope for appeal. Here, I think appeal is also dismissed by you. How is it, Sir?

MR. CHAIRMAN: Now, Shri Basu Deb Acharia to initiate the discussion under Rule 193.