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Title: Submission Regarding Listing of the Constitution (One Hundred and Twenty Second Amendment) Bill, 2014 in List of Business for consideration and passing.

SHRI DEEPENDER SINGH HOODA: Madam, my point of order is under Rule No.220 of Rules of Procedure and Conduct of Business in Lok Sabha. I had given a notice also. I seek the indulgence of the Finance Minister also who is present here. Under General Provisions regarding Financial Business, Rule 220 clearly states:

"Notwithstanding that a day has been allotted for financial business under rules 207, 208, 218 or 219, a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day before the House enters on the business for which the day has been allotted."

This is regarding business that can be taken up on a day allotted for financial business. Now we are discussing Demands for Grants. This is financial business. Never a Bill has been introduced for consideration and passing on the day that has been allotted for financial business. Madam, this is absolutely in contravention of Rule 220 and I would seek your ruling on the same.

PROF. SAUGATA ROY (DUM DUM): Madam, I am on the same point. Let me read out Rule 220 which deals with the business that can be taken up on a day allotted for financial business. It says:

"Notwithstanding that a day has been allotted for financial business under rules 207, 208, 218 or 219, a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day before the House enters on the business for which the day has been allotted."

Now Mr. Sadananada Gowda, the Law Minister, has introduced a Bill. We did not object to that because on a day that is allotted for financial business the Government can introduce a Bill. But that is all. It cannot take up for any Bill consideration. The Deputy-Speaker also mentioned the same thing.

The debate on Demands for Grants is going on. After that there will be the Finance Bill and after that there will be the Appropriation Bill. Normal practice in the House is that during financial discussion before the Budget is passed there is no recess. Secondly, during this period no other business can be taken up. So, the House is in possession of the Demands for Grants. The Government cannot take a cavalier attitude and suddenly decide things. We learned from whispers last evening that they were going to bring the Constitution (122<sup>nd</sup> Amendment) Bill. This is not the way Parliament can be run. Under no circumstances should we allow discussion on the Constitution (122<sup>nd</sup> Amendment) Bill, that is the GST Bill. Mr. Jaitley will have the Appropriation Bill passed. Only after the appropriation for the whole amount is passed can this Bill can be taken up. Under no circumstances can this be taken up at this time.

Also Madam, we suddenly hear in the evening, as somebody told me, that tomorrow the GST Bill is coming. I said, what is so hush-hush about it? People do not know about it, the Business Advisory Committee does not know about it. Suddenly it is the brainwave of some Minister, maybe the Finance Minister and they decide that they will bring this Bill on Friday.

The Deputy Speaker correctly pointed out that you are curtailing the time allotted for the financial business. That means that some Demands will be guillotined. Members who wanted to speak on those Demands will be deprived of their right. So, I plead with you, please take a firm decision for once. You just say that the House cannot go according to the Government's whims; it will go by the rules and procedures and the conventions of the House. Never before in the history of the House has it happened that while the financial business is on, the Government has introduced legislation for consideration and passing. Madam, you take a stand. You are the guardian of the House; you are the monitor of the House. We shall all stand with you if you establish the parliamentary rules and conventions in this House.

SHRI NISHIKANT DUBEY (GODDA): Madam, I want to quote Rule 389. 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." मैडम, इसमें कोई वलेंटिरी नहीं है। फाइनेंस बिल के बीच...(व्यवधान)

माननीय अध्यक्ष : उन्हें बोलने दीजिए, उनका भी अधिकार है।

â€¦(व्यवधान)

श्री निशिकान्त दुबे: वया मुझे बोलने का अधिकार नहीं है?... (व्यवधान) आपने अपना प्वाइंट बताया, मैं अपना प्वाइंट बता रहा हूँ। रूल 389 कहता है कि जहां वलेंटिरी नहीं है वहां स्पीकर जिस ठंग से इस हाउस को चलाना चाहती हैं, चला सकती हैं। आपने अपनी बात कही, हमने अपनी पार्टी की तरफ से अपनी बात कही। स्पीकर का डिजीजन होगा कि यह बिल इंट्रोड्यूस होगा, डिस्कशन होगी या नहीं। मेरा इतना ही कहना है कि रूल 389 स्पीकर को सारा अधिकार देता है और हमें यह अधिकार देना चाहिए...(व्यवधान)

SHRI TATHAGATA SATPATHY (DHENKANAL): I would like to say thatâ€¦.

माननीय अध्यक्ष : वीरप्पा मोइली जी कुछ कहना चाहते हैं। Tathagat ji, I will allow you also. आप सब वरिष्ठ हैं, मैं सबकी बात सुनूंगी, वर्यो नहीं सुनूंगी। आप सब इतने ज्ञाता हैं, मैं आपकी बात सुनूंगी।

SHRI M. VEERAPPA MOILY (CHIKKABALLAPUR): Madam Speaker, when our friends raised the plea that the matter should have gone to the Standing Committee.

माननीय अध्यक्ष : वह डिस्मिज हो गया।

(व्यवधान)

SHRI M. VEERAPPA MOILY: Madam, I am referring to the same thing. You are kind enough to mention that earlier Bill, that was 115<sup>th</sup> Amendment Bill to the Constitution in 2011, was referred to the Standing Committee. The Standing Committee gave a report and that report has lapsed after the lapse of the Parliament. They have presented the Constitution Amendment Bill in December 2014. Since then, four months have passed. They could have referred this matter to the Standing Committee and the Committee would have given the report.

Another point is, it is not as if the new Bill is the replica of the 115<sup>th</sup> Bill. There are ten fundamental differences between the two Bills. Madam, it is just like a cart sunk in the mud. Again it is further sunk with this kind of a Bill because as on today, there is no consensus on various issues among various States. There are issues which have to be deliberated at least by this House. The Standing Committee can deliberate and reflect on that. You can ask the Committee to give a report early so that many of these confusions may be cleared. It should not again get into a mission. This is a Bill which has to be operated upon.

So, this kind of a hastening up of the whole Bill today after presenting it in December without referring it to the Standing Committee is not going to deliver the goods. ...*(Interruptions)* If they are really sincere in presenting the Bill, getting it passed, and also operating or implementing it, I think, there should not be any objection to refer it to the Standing Committee. That is why I can just state, I thought, in a detailed way the ten substantial differences that I have listed out. ...*(Interruptions)*

HON. SPEAKER: Sorry, that is not correct. You are saying that it should be referred to the Standing Committee.

...*(Interruptions)*

HON. SPEAKER: But on that point, I have already made it clear. That is not the question here.

...*(Interruptions)*

SHRI M. VEERAPPA MOILY: Now they say there is no difference but there is a fundamental difference between that Bill and this Bill. ...*(Interruptions)*

HON. SPEAKER: Everybody should not speak. Please sit down.

...*(Interruptions)*

HON. SPEAKER: All learned people should not speak at one time!

...*(Interruptions)*

HON. SPEAKER: Let him complete.

...*(Interruptions)*

SHRI M. VEERAPPA MOILY: For example, a number of substantial provisions in the One hundred and fifteenth Amendment Bill have not been followed up in this present One hundred and twenty-second Amendment Bill. ...*(Interruptions)*

HON. SPEAKER: That is not the issue. We are discussing only on a point of order.

...*(Interruptions)*

SHRI M. VEERAPPA MOILY: I am referring to the Standing Committee. There is a fundamental difference. ...*(Interruptions)*

HON. SPEAKER: On that, I have already given my decision.

...*(Interruptions)*

SHRI DEEPENDER SINGH HOODA: It is not only about the point of order but it is also about propriety. ...*(Interruptions)*

SHRI M. VEERAPPA MOILY: The Government may have a scant respect for the Standing Committee. You have to uphold it. ...*(Interruptions)*

HON. SPEAKER: Again, we are not discussing that point. I am sorry.

...*(Interruptions)*

SHRI K.C. VENUGOPAL (ALAPPUZHA): It is not only a point of order. It is also a question of propriety. ...*(Interruptions)*

HON. SPEAKER: Listen to me.

On 19.12.2014, the Bill was introduced; then again on 14<sup>th</sup> March, in the BAC also we have discussed and we have allotted four hours. At that time also whatever was said was this. It will not go to the Standing Committee. That decision is given. Now you have given a letter. But that point will

not be discussed. I am sorry.

...(Interruptions)

SHRI K.C. VENUGOPAL: It was not discussed. I have the BAC Report of 20<sup>th</sup> April. ...(Interruptions)

SHRI TATHAGATA SATPATHY: I am not going into too much of technicalities. I have a very simple point.

In rule 287 about Business Advisory Committee, it is clearly stated:

"At the commencement of the House or from time to time, as the case may be, the Speaker may nominate a Committee called the Business Advisory Committee consisting of not more than fifteen members"

It further states:

"It shall be the function of the Committee to recommend the time that should be allocated for the discussion of the stage or stages of such Government Bills and other business as the Speaker, in consultation with the Leader of the House, may direct for being referred to the Committee."

That is one part.

The second part is this. Rule 292 says:

"No variation in the Allocation of Time Order shall be made except on a motion made, with the consent of the Speaker and accepted by the House: "

Therefore, when the personal freedom and the personal involvement of every single Member is concerned, as Prof. Saugata Roy already said earlier, why is there so much hush-hush in a simple thing as the introduction of GST?

Madam, I would like to state right at the very outset that my Government in Odisha is supporting GST. We have no opposition to the idea....(Interruptions) Please listen to me. You are a senior Member. Please have patience....(Interruptions)

HON. SPEAKER: I will allow you to speak after him. Tathagata ji, please conclude.

SHRI TATHAGATA SATPATHY: My point, Madam is, is there something happening for which they want to trample on the individual freedom of every MP? This has nothing to do with the Party. This has nothing to do with the political considerations. The only thing I am saying is why this is happening and why is there so much hush-hush activity. Madam, this is infringing on the Chair. This is affecting your credibility, the credibility of the Speaker.

HON. SPEAKER: There is nothing like that. My credibility is intact. Do not worry about it.

SHRI TATHAGATA SATPATHY: By damaging the Speaker, they are damaging the democracy and damaging all of us. I beseech upon you, Madam, do not allow, like other hon. MPs have said, this kind of a convention to settle in this House.

HON. SPEAKER: Your point is well taken.

DR. M. THAMBIDURAI (KARUR): Madam, the hon. Member Shri Dubey has quoted Rule 389 with regard to your Right. You have every right to take up any Agenda. We have no problem in it. My concern is with regard to the Demands for Grants because guillotine is fixed for 28<sup>th</sup> April. Will you be able to complete the discussion of all the listed Demands? I have no objection with your right but my only concern is whether you will be able to complete the discussion on all the listed Demands or will you be postponing the guillotine? If you are postponing the guillotine, we have no problem.

HON. SPEAKER: Now, the Finance Minister.

...(Interruptions)

HON. SPEAKER: We have heard your Party Member. Otherwise, everybody would like to say something.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Madam, I just need one clarification because on 19<sup>th</sup> December when the Bill was being introduced, I had raised this matter and suggested why not refer it to the Standing Committee. At that time, the Finance Minister had responded to my query and he said that it will be discussed, decided at a later stage. We have come to that later stage today.

We heard from outside, it was not the property of the House yesterday till the House rose at 6.45 p.m., that this Bill is being listed for tomorrow's business. So, my question is, if I am going to give certain amendments to this Bill will I be able to do that? I was told I have to give it before 6.00 p.m. I said, if I give it after 6.00 p.m. or give it before 10.00 a.m. the next day, it means the same thing. So, both of us, Prof. Roy and myself, tried to draft certain amendments and we have given certain amendments. But it was in a very hurried way that we had to rush through these amendments and give them.

These are constitutional amendments and you understand the exigencies. This has to get the approval of the President. If I have to move certain amendment, it has to get the approval of the President. This is the rule. Is this the way how a Constitution amendment has to be moved?

कौशल विकास और उद्यमिता मंत्रालय के राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री राजीव प्रताप रूडी): आप दिसम्बर से क्या कर रहे थे? ... (व्यवधान)

श्री भर्तृहरि महताब : क्या कर रहे हैं, यह बात आपको नहीं पूछनी चाहिए। You are not supposed to ask that question. The question is, the Minister himself had assured.... (Interruptions) Should we have a debate here?

माननीय अध्यक्ष : अब आप डिबेट मत कीजिए। वे आप सबकी बात सुन रहे हैं।

â€ (व्यवधान)

SHRI BHARTRUHARI MAHTAB: My question to you, Madam, is if I am moving certain amendments... (Interruptions)

माननीय अध्यक्ष : उन्हें आपकी बात भी समझ में आ गयी है। Now, the Minister will reply.. उन्होंने आप सबकी बात समझ ली है। Let him say something.

...(Interruptions)

HON. SPEAKER: Yes, Mr. Minister. Please listen to him. वह भी समझ रहे हैं। हम बाद में कुछ बात करेंगे।

THE MINISTER OF FINANCE, MINISTER OF CORPORATE AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN JAITLEY): Madam, just now some queries have been made. In fact, my friend Shri Satpathy went to the extent of saying why there is hush-hush. I do not think, since this Parliament has been constituted, any legislation has been more debated, argued within the political framework of this country before it comes up for final consideration before the House as much as the GST Constitutional Amendment Bill. It has passed through various Governments. Today, we are in 2015. It is also the maturity of our political system as to how we converge to a particular decision and on matters which have an impact on fiscal federalism, how everybody comes together to a particular view point.

If we look back, it was in 2003 that the first NDA Government had appointed the Vijay Kelkar Committee. That Committee had come up with the recommendation. Based on that recommendation of a Committee set up by a previous Government, it was the UPA-1, which in the Budget of 2006-07 said that they will now try and bring the GST in the country. It appointed an Expert Committee... (Interruptions)

HON. SPEAKER: Now you listen to him. This is not fair. Saugata Royji, you are such a senior Member.

SHRI ARUN JAITLEY: Mr. Roy, I am only reminding you that you have had various stages of this.

HON. SPEAKER: He is answering for that hush-hush thing.

SHRI ARUN JAITLEY: I am going to answer Mr. Roy also. Thereafter, because you are to impact on fiscal federalism, this House alone is not sufficient. Its Standing Committee alone is not sufficient. You have to inter-twine the entire discussion with the States because the rights of the States are also going to be affected. Therefore, a parallel mechanism as far as States are concerned was set up in 2008 by the UPA itself.

From 2008 till 2015, we have had an Empowered Committee which functioned in a completely non-partisan manner. Dr. Asim Dasgupta was the first Chairperson. He belonged to the Left Front. Mr. Sushil Modi was the second Chairperson. He belonged to the BJP, NDA. Mr Abdul Rahim Rather of the National Conference was the third Chairperson and now Mr. K.M. Mani of the UPA is the fourth and current Chairperson.

So you have had across party lines an evolution which has taken place and all the Finance Ministers of all the State Governments sat together. There are sub-Committees comprising of them. Thereafter, finally when the Bill was introduced by the UPA in Parliament, from 2011 to 2013, parallelly the Standing Committee went into every provision. So you have the Empowered Committee going into it. You have the Standing Committee going into it.

SHRI BHARTRUHARI MAHTAB: But both of them also interacted.

SHRI ARUN JAITLEY: Yes, both of them also interacted. Mr. Mahtab, I am glad that you have said that. Finally the parliamentary wisdom and the wisdom of the State Finance Ministers converges into a larger consensus or a virtual unanimity whichever word we prefer to use is arrived at. So, we have gone through an evolution of expert committees in the last 12 years. We have gone through three different Governments. We have gone through the Empowered Committee with four different Chairpersons. We have gone through two to two and a half years' of deliberation in the Standing Committee.

Now after this exercise of political wisdom of the entire process, this has now converged in what the consensus is. Even before requesting the hon. Speaker to take it up and after a consensus had been arrived at in the month of December when we introduced the Bill after the final draft, I again called all the Ministers on two occasions. After all this, the Finance Ministers representing different State Governments and different political parties have all converged on the same question.

I think what is at test today is not merely the advantages of the GST which we can separately discuss when the Bill is taken up in a few minutes for discussion if the hon. Speaker were to permit that but it is also the maturity of the political system that we have spent 12 years and we have come to a consensus, how much more will India wait for the advantages of this?

SHRI TATHAGATA SATPATHY: There is a saying in Odiya which means you do *tapsya* for 12 years and then at the end you fry it, chew it and eat it.

SHRI ARUN JAITLEY: At the end of that *tapsya*, I can assure you that as a consuming State, Odisha is going to be one of the largest beneficiaries. Therefore, the more you delay, the more you are going to hurt the interest of those consuming States...( *Interruptions*). On procedure, we have not had and I say this without fear of contradiction a more extensive debate on all forums including the Standing Committee than we have had on this Bill. There is no other precedent since 1950 of any other legislation to this effect. Nobody has a monopoly in trying to stop the growth of this country. Let us be very clear about it. Now, if State after State says...( *Interruptions*)

PROF. SAUGATA ROY: We are not saying anything against the Bill ( *Interruptions*)

SHRI ARUN JAITLEY: You are only saying that let it be delayed...( *Interruptions*)

SHRI K.C. VENUGOPAL: We are not against the Bill. It is a question of procedure...( *Interruptions*)

SHRI ARUN JAITLEY: Shri Venugopal, please permit me.

HON. SPEAKER: Let him complete.

SHRI ARUN JAITLEY: I am only saying that the UPA must start supporting legislations which it itself introduced. So, the new wisdom that has dawned on you that you have difficulty with legislations which you yourself created. This is the kind of a contradiction which at least I am not able to understand...( *Interruptions*) You should be happy that the good work which was done by your Government, I am accepting that, complimenting you and taking it forward. Therefore, do not try to delay the eventual passage of something which was started by your own Government.

Madam, all that I am saying is that under Rule 220 read with 389, Rule 220 is only a provision with regard to introduction of a Bill. The introduction has already taken place on the 19<sup>th</sup> of December. Rule 220 does not deal with the passage of the Bill. All that we do is we start the discussion today. I will open the discussion. Obviously today being Friday we do not have adequate time for everybody to speak. We will continue the discussion into the next week and by that time if anybody wants to move an amendment, or seek a clarification, I have no difficulty. We can have a debate. I have no difficulty. I would therefore urge the hon. Speaker to kindly permit the starting of the discussion today.

माननीय अध्यक्ष : कौन बोलेगा, यह बात अब दोनों में से एक ही तय करे। It is not that after Shri Deepender Singh Hooda, again Shri Kharge will speak. If Shri Kharge wants to speak now, you may see to that. खड़े जी मुझसे नाराज हो जाएंगे। वे बहुत सीनियर हैं।

â€¦(व्यवधान)

SHRI DEEPENDER SINGH HOODA : First of all, while we were on the matter of procedure and on the matter of Points of Order, the hon. Finance Minister has chosen to make and score some political points by saying that it is our party's legislation that he is carrying forward. BJP's record is all too clear, from the nuclear deal to even this piece of legislation which was even opposed by the Gujarat Government. Now they are supporting it. Our record is also very clear.

माननीय अध्यक्ष : दीपेन्द्र जी, इधर-उधर करेंगे तो मड़बड़ होगी। इसी प्वाइंट पर बोलिए।

SHRI DEEPENDER SINGH HOODA: He made some political points and so we have to answer that.

माननीय अध्यक्ष : वे इसी बिल पर बोले हैं। Only on this Bill.

SHRI DEEPENDER SINGH HOODA: Their record is all too clear for everybody to see. The Government of Gujarat opposed this piece of legislation. Now they are championing it. They opposed the civil nuclear deal. It is always the BJP which has taken a U turn. Now they are preaching.

Madam, coming back to this particular point, on the question of the Standing Committee, we are on the principle of propriety. We feel that it is highly improper for the Government not to go the Standing Committee. When we heard the reply of the Finance Minister through you, we did not rise up again.

HON. SPEAKER: Again, it is not the reply. It has been decided by me earlier also.

SHRI DEEPENDER SINGH HOODA: It is improper but the rules permit them and so let them bulldoze the Parliament. On the question of Rule 220, it is impregnable. Rule 220 clearly says that you can introduce a Bill but it is not for consideration and passing. Rule 220 is on the question of financial business. On the financial business, Rule 220 as read with Rule 221 which is provided for the timely completion of financial business. The Constitution makers are very clear on this. This rule is highly impregnable. If the Government, let me give a warning to the Government through you, chooses to ignore this Rule 220 they will have to amend this Rule and for the first time in history the Rule Book will have to be changed for the financial business. This is something we cannot be party to. This is something which we are going to oppose tooth and nail and if the discussion on the GST is going to take place today, then all of us are going to oppose it with all the might at our command.

SHRI MALLIKARJUN KHARGE (GULBARGA): Madam Speaker, I am thankful to you for calling me to speak. Though I have come late, you have given me permission to speak.

माननीय अध्यक्ष : आप लेट आए हैं, लेकिन आप बातों को रिपीट मत कीजिएगा।

श्री मल्लिकार्जुन खड़गे : महोदया, मैं बातों को रिपीट नहीं करता हूं लेकिन छाउस में बहुत-से लोगों के रहने की वजह से बातें रिपीट हो जाती हैं अगर मैं अकेला होता तो ऐसा नहीं होता।

महोदया, इस कांस्टीट्यूशनल अमेंडमेंट बिल के लिए सबकी सहमति है लेकिन हमारा यह विचार है कि इसमें बहुत से नए अमेंडमेंट्स लाए गए हैं। जब नए अमेंडमेंट्स आते हैं and it is a new Bill because they were referring to our earlier suggestions. जैसा कि होता रहा है इस बिल को स्टैंडिंग कमेटी को भेजा जाना चाहिए था। अगर स्टैंडिंग कमेटी को नहीं भेजना है तो



स्टैंडिंग कमेटी को निकाल दीजिए। स्टैंडिंग कमेटी का कोई काम ही न रहे।... (व्यवधान)

माननीय अध्यक्ष : इन बातों पर चर्चा हो चुकी है।

â€¦ (व्यवधान)

SHRI MALLIKARJUN KHARGE: Madam, We must also share our views. उन्हें मालूम है कि पहले हर बिल को स्टैंडिंग कमेटी को भेजते थे।... (व्यवधान) हम स्टैंडिंग कमेटी को भेजने के लिए इसलिए कह रहे हैं क्योंकि इसमें बहुत-सी तब्दीलियां हैं। जब बहुत-से वेंजिज होते हैं तो स्वाभाविक है कि डीप डिस्कशन करने की जरूरत है। अगर आप पंद्रह दिन या एक महीने का समय देते हैं, टाइम बाउंड करते हैं इसकी बजाय आप यह पिवकचर सामने ला रहे हैं कि पूरा विपक्ष इसके विरोध में है और राज्यों की मदद नहीं करना चाहते हैं। फाइनेंस मिनिस्टर ऐसा इंप्रेशन दे रहे हैं, यह ठीक बात नहीं है।... (व्यवधान) आज का दिन नॉन आफिशियल डे है। आज के दिन फाइनेंस इश्यु पर डिस्कशन करना कहां तक ठीक है। हमारे छेदे-छोटे अमेंडमेंट्स को आपने स्टैंडिंग कमेटी को भेजा है, जिसके मैं दस उदाहरण दे सकता हूं। अगर आप कोई बिल लाते हैं तो आपके लिए अलग रूल है और अगर हम बिल ले कर आते हैं तो उसके लिए कोई दूसरा बताते हैं। Madam, I agree that you have got the supreme power. Under this Act, you can suspend any law; you can make any law; you can suspend any rule and you can also allow anybody to speak within your discretion. मैं आपसे अपील करता हूं कि यहां इस वक्त फाइनेंस बिल को इस ढंग से अनुमति देना ठीक नहीं है, आप इसे रोक दीजिए या स्टैंडिंग कमेटी को भेज दीजिए। हम इसके खिलाफ नहीं हैं, लेकिन चर्चा तो कीजिए। अगर आपके पास चर्चा करने के लिए वक्त नहीं है, तो संसद किसलिए है? संसद डिबेट के लिए है, डिस्कशन के लिए है, सामियां बताने के लिए हैं।... (व्यवधान)

माननीय अध्यक्ष : आप लोग बैठ जाएं, अब मंत्री जी बोलेंगे।

â€¦ (व्यवधान)

श्री मल्लिकार्जुन खड़गे: सामियां बताने के बाद उसका समाधान निकालना भी जरूरी है। मैं आपसे अपील करता हूं कि नियम 220 के तहत जो विषय उठाया है।... (व्यवधान) मैं टीवी में आपकी बात सुन रहा था, आप जो कह रहे थे मैं उसे मार्क करके लाया हूं।... (व्यवधान)

माननीय अध्यक्ष : आप बैठ जाएं, आपने अपनी बात कह दी है।

â€¦ (व्यवधान)

SHRI MALLIKARJUN KHARGE : Madam, You can use your own discretion. हर बार ऐसा होता है और अगर इस बार ऐसा हुआ तो यह पार्लियामेंटरी डेमोक्रेसी नहीं है। यह बुलडोजिंग होगा। This is not good. ... (Interruptions)

SHRI K.C. VENUGOPAL: Madam, I have also given a notice. ... (Interruptions)

HON. SPEAKER: This is not the way. Please sit down. I will not hear anything.

Shri Karunakaran, what do you want to say?

SHRI P. KARUNAKARAN (KASARGOD): I fully respect the Chair and the Chair can take any decision. Before you take a decision, I would like to submit that there was no discussion in the Business Advisory Committee about this Bill. I fully agree that the Finance Minister has made long remarks on this issue. But at the same time, this is a new Bill. So, we want time to study this Bill and also to give our amendments.

The discussions on the Demands for various Ministries are going on. After that the Government can take up this Bill. Otherwise, it can be sent to the Standing Committee. That is our submission.

माननीय अध्यक्ष : प्रेमचन्द्रन जी कृपया बैठ जाइए। इसे सबने देखा है। एक बात सब लोग सुनें। सब हो गया है।

â€¦ (व्यवधान)

माननीय अध्यक्ष : मैंने सभी रूट्स देखे हैं, सब प्वाइंट ऑफ ऑर्डर देखे हैं।

â€¦ (व्यवधान)

माननीय अध्यक्ष : मुझे बार-बार विन्नाब न दिखाएं। मैंने भी विन्नाब पढ़ी है। मैंने सबकी बात समझ ली, अब सब लोग मेरी बात सुनिए।

â€¦ (व्यवधान)

HON. SPEAKER: Nobody will say anything.

... (Interruptions)

माननीय अध्यक्ष : मुझे कुछ बोलने देने या नहीं? मैंने आपकी बातें सुनीं। आप दो घंटे इसी में लगाएं तो कोई बिज़नेस नहीं हो पाएगा।

â€¦ (व्यवधान)

HON. SPEAKER: Shri Premachandran, today I will not allow you. I am sorry. I have heard enough. I have heard all of them.

... (Interruptions)

**13.00 hrs.**

माननीय अध्यक्ष : माननीय सदस्यगण, मैंने सबकी बात सुनी है। पढ़ती बात तो मैं इतना ही कहना चाहूँगी कि माननीय श्री खड़गे जी ने जो बात उठाई या सभी लोग जो बोल रहे हैं कि यह नया बिल है, समय की बात है। ऐसा नहीं है। यह बिल 19.12.2014 को इंट्रोड्यूस हुआ था। Again, I am repeating. उस समय भी यह तय हुआ था कि यह स्टैंडिंग कमेटी को नहीं जाएगी या जो भी हो। हो सकता है कि

ऐसा मैंने कहा हो। उसके बाद 14 मार्च को बी.ए.सी. हुई थी, उसमें इसके लिए समय भी एलॉट हुआ था। आज की परिस्थिति में, मैं एक बात माननीय डिप्टी स्पीकर की भी समझ रही हूँ, जैसा कि श्री सौगत राय जी ने भी कहा कि इतने सारे डिमांड्स पर डिस्कस करना है और हमारे पास समय भी नहीं है, यह बात भी हम समझ रहे हैं। अमेंडमेंट देने की बात भी हम समझ रहे हैं। मैं वित्त मंत्री जी से इतना रिवरैस्ट करूँगी कि यह बात भी सही है कि बहुत सारे डिमांड्स फॉर ग्रांट्स डिस्कस करने हैं और मैं 28 तारीख को मिलेटिन भी करना चाहती हूँ। इसमें से कुछ तो सरता निकालना पड़ेगा। डिमांड्स फॉर ग्रांट्स पर लोग बोलना चाहेंगे। श्री महाराज जी ने भी जो अमेंडमेंट देने की बात की, उनकी बात भी सही है, वे देना चाहेंगे। यदि आप इस पर कुछ विचार कर सकें, तो that will be better.

SHRI ARUN JAITLEY: I will make my opening comments for a few minutes. It can be taken up thereafter. ...*(Interruptions)* After that, it can continue on Monday. ...*(Interruptions)*

माननीय अध्यक्ष : No, not on Monday. मंडे को डिमांड्स फॉर ग्रांट्स लिये जाएंगे। इसे भी तो पूरा करना है। इसके लिए आपको कुछ सोचना पड़ेगा।

â€!(व्यवधान)

SHRI ARUN JAITLEY: It has already been introduced on 19<sup>th</sup> March. ...*(Interruptions)*

HON. SPEAKER: It has already been introduced.

...*(Interruptions)*

SHRI ARUN JAITLEY: The hon. Speaker has allotted four hours for it. I mean the BAC has allotted four hours for it. ...*(Interruptions)*

माननीय अध्यक्ष : एक बात यह है कि अभी हमें बहुत सारे डिमांड्स ऑफ ग्रांट्स पर चर्चा करनी है।

â€!(व्यवधान)

SHRI ARUN JAITLEY: Even if it takes more time, we can sit for a little extra time. I will suggest, subject to the flexibility of maintaining the entire time available for the financial business should be given to the hon. Members. There is no difficulty. The Government is prepared for that. Let the discussion start. Thereafter, at any time that you fix for Monday it can be taken up. ...*(Interruptions)*

माननीय अध्यक्ष : मेरा निवेदन है।

â€!(व्यवधान)

HON. SPEAKER: Again I am requesting him. मैं आपकी बात के लिए ही कह रही हूँ, तो भी आप टोक रहे हैं।

â€!(व्यवधान)

माननीय अध्यक्ष : या तो आप इसी में समय लगाएं और डिप्टी स्पीकर कह रहे हैं कि डिमांड्स फॉर ग्रांट के लिए समय नहीं है।

â€!(व्यवधान)

श्री मलिकार्जुन खड़गे: मैं आपका समय नहीं लेना चाहता हूँ, मैं इतना ही कहना चाहता हूँ, क्योंकि इसको पोस्टपोन करने के मेरे विचार से आप भी सहमत हैं। रूल 220 क्या कहता है, मैं आपके ध्यान में फिर एक बार ला रहा हूँ।

Rule 220 read with Rule 221. Rule 221 says:

"In addition to the powers exercisable under these rules, the Speaker may exercise all such powers as are necessary for the purpose of the timely completion of all financial business including allotment of time for the disposal of various kinds of such business, and where time is so allotted, the Speaker shall, at the appointed hour, put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which time has been allotted."

Therefore, we agree. Suddenly, it has come up. You could have given it in a regular time-table. It has not come. At least, the hon. Finance Minister should agree to your suggestion. Always he obeys the rules. But this is the first time that he is s the Speaker's order. This is the first timeâ€!...*(Interruptions)*

HON. SPEAKER: This is not the way. He is not disobeying.

...*(Interruptions)*

माननीय अध्यक्ष : प्लीज खड़गे जी, यह बात रिकॉर्ड में नहीं जाएगी। He has not disobeyed anything. आप ऐसी बात कहते हैं, फिर कहते हैं कि मैं एक्सपंज करने जा रही हूँ। Please do not say that.

...*(Interruptions)*â€! \*

श्री मलिकार्जुन खड़गे: एक्सपंज करने का अधिकार आपको ही है।...*(व्यवधान)* लेकिन वे आपके सजेशन को नहीं मान रहे हैं।

माननीय अध्यक्ष : आप अपने अधिकार का दुरुपयोग न करें।

श्री निशिकान्त दुबे जी, आप बोलिए।

श्री निशिकान्त दुबे: मैडम, कौल एंड शकघर की किताब देखिए। इस छाउस और देश की परम्परा है कि बजट एक ही बार इंट्रोड्यूस होता है, दूसरी बार नहीं होता है। कौल एंड शकघर लिखाते हैं, पेज संख्या 740 देखिए। In 1985, the two Budgets were presented on 14<sup>th</sup> and 16<sup>th</sup> March, 1985. इसकी परमीशन स्पीकर ने कैसे दी? आप किस तरह की बात कर रहे हैं?

दूसरे, कोई भी फाइनेंशियल मैटर पहले लोक सभा में आता है। इसी में आने लिखा गया है : On 5<sup>th</sup> March, 1975, the Minister of State for Finance apologized to the Lok Sabha on account of presentation of the Gujarat Budget for 1975-76 in the Rajya Sabha before its presentation in the Lok Sabha.

मैं यह कह रहा हूँ कि राज्य सभा में आप फाइनेंशियल बिल लाते हैं, वर्ष 1985 में दो बार बजट पेश कर दीजिए, वह कोई कन्वेंशन नहीं है, लेकिन यदि हम जीएसटी बिल प्रजेंट कर रहे हैं तो आप स्पीकर की एंथारिटी को कह रहे हैं, राज्यों को ज्यादा अधिकार देने की बात हो रही है। इसी लोक सभा में आप लोग सब कुछ कर चुके हैं। वर्ष 1985 में दो बार बजट पेश कर चुके हैं।... (व्यवधान)

HON. SPEAKER: I will request him. Let him answer.

...(Interruptions)

SHRI ARUN JAITLEY: Madam, I am extremely grateful to Shri Kharje ji. He has drawn your attention to various rules. Now, Rule 220 says.... (Interruptions)

SHRI N.K. PREMACHANDRAN (KOLLAM): Rule 221 is very specific.... (Interruptions)

माननीय अध्यक्ष : जेटली जी, आप बोलते जाइए, ये ऐसा ही चलेगा। Yes, Mr. Minister, you please go on. Do not hear them.

SHRI ARUN JAITLEY: Rule 220 is an enabling rule which permits introduction during the financial business. There is no prohibition in Rule 220. The prohibition which Shri Hooda is repeating is what he is adding on his own. It does not exist in Rule 220. If you come to Rule 221, in fact, it resolves the entire problem. It gives flexibility to the Speaker. As far as the financial business is concerned, the Speaker will have all the powers to adjust, readjust and ensure timely completion. Rule 221 does not say that any other legislation cannot come up.

On the contrary, Rule 221 gives the flexibility as far as the Speaker is concerned. Now, in exercise of that flexibility, all that I am saying is, the matter has been listed with your directions, there is a sanctity of the matter being listed today. Therefore, I will make a few introductory comments. I would be as brief as possible. ... (Interruptions) I will introduce it. Thereafter, at a time on Monday you fix up, the rest of the discussion can continue. If anybody wants to move his amendments, he also has adequate time.

They had time since the 19<sup>th</sup> of March. Since the 19<sup>th</sup> of March, nobody has moved an amendment. I am saying this at the cost of repetition that this is a particular Bill for which we have strived for 12 years, and a lot of good work has been done by various Governments, even in the past. Every day it has evolved. I will explain the circumstances as to what are the two clauses that have evolved. After all, the Standing Committee in 2013 gives a Report, and makes certain recommendations, the Bill which accepts those recommendations will be slightly different from the 2011 Bill because it has accepted the recommendations of the Standing Committee.

One or two suggestions which the Empowered Committee of the State Finance Ministers gave are the ones which have been added to it. Once you allow me an opportunity, I would explain. This is the Bill which the whole country is looking to, which will help the revenue situation of various States as far as the country is concerned. That is why, most States are enthusiastically waiting for it. The entire community in the country, which is the indirect tax paying community, is looking forward to it. Therefore, we should not set negative signals as far as a Bill which is achieved at through a larger consensus is concerned. We can open now and using your flexibility under Rule 221, we can continue on Monday.

DR. M. THAMBIDURAI: Already I have raised some concerns. Today, the Minister is asking for introduction. It is okay. Then, on Monday, he wanted to have discussion. What about the Demands? We are going to have Guillotine on 28<sup>th</sup>. Where is the time to discuss the Demands? That is why, I am requesting you to postpone the Guillotine. If you accept to our request, we have no objection.

SHRI ARUN JAITLEY: The Speaker would adjust the time. ... (Interruptions) Under Rule 221, you have all the flexibility. ... (Interruptions)

DR. M. THAMBIDURAI: There is no time limit. ... (Interruptions)

SHRI ARUN JAITLEY: The Deputy Speaker would realize that we can sit a few hours extra. All that flexibility is available with you in the rule cited by Shri Kharge. ... (Interruptions)

DR. M. THAMBIDURAI: Are you going to allow the discussions on all the Demands? That is all. If you allow discussion on all the Demands, there is no problem for me.

SHRI ARUN JAITLEY: I told you, the Government will cooperate in all the Demands be taken into consideration. That is the end of the matter.

माननीय अध्यक्ष: अब हो गया, बहुत समय इस पर चला गया है।

श्री राजीव प्रताप रूडी: महोदया, सत्ता पक्ष के सदस्यों का कोई मत नहीं आया, सरकार के सदस्यों का कोई मत नहीं बन पाएगा।

माननीय अध्यक्ष: अब कोई भी कुछ न कहे।

श्री राजीव प्रताप रूडी: इनकी बातों को सुन लिया, लेकिन हमारे कई सदस्य भी इस विषय पर चर्चा करना चाहते हैं। महोदया, थोड़ा इधर भी देखा जाए कि सरकार के पक्ष में भी बहुसंख्यक सदस्य बैठे हैं।

माननीय अध्यक्ष: मैं सबको देख रही हूँ।



श्री राजीव प्रताप रूडी: वे इस विषय को आगे लेकर चलना चाहते हैं। कोई संवैधानिक बाधा नहीं है। माननीय मंत्री जी ने यह आग्रह किया है कि मैं इस विषय को रखना चाहता हूँ। विषय को रखने के पश्चात् आपको और भी संशोधन देने में सुविधा होगी, तो वे तमाम चर्चा लाकर रखेंगे और आपके पास वक्त है इसमें भाग लेने का, इसलिए मैं फिर से आपसे आग्रह करूँगा कि इस विषय पर चर्चा प्रारम्भ की जाए और फिर सोमवार को इसे लेंगे।...(व्यवधान)

माननीय अध्यक्ष: एक मिनट मेरी बात भी सुनिए। मुझे भी अधिकार है कुछ कहने का इसलिए मुझे कुछ कहने दें। मेरा इतना ही आप सबसे निवेदन है

...(व्यवधान)

माननीय अध्यक्ष: आप क्यों नाराज हो रहे हैं, माइक ऑन करके बोलिए।

SHRI BHARTRUHARI MAHTAB (CUTTACK): In good faith, the Members agreed for a time. They have never agreed – nowhere it was discussed that this will not be referred to the Standing Committee. That is what I have mentioned in December. On the 19<sup>th</sup> of December, when I stood up at the introduction stage, we never objected to the introduction of this Bill.

SHRI ARUN JAITLEY: The Bill has been there for two and a half years before the Standing Committee.

SHRI BHARTRUHARI MAHTAB: At that time, IGST was not part of the Bill. We have understood that the GST would be a single tax, now we have SGST, now we have IGST in this new Bill. This has repercussions. I am not going to the merit of the Bill. It is a game changer no doubt. But this is a different Bill altogether and in a non-partisan way, the Members of Parliament of the Standing Committee should go into this. That is what I have been insisting since December, 2014. Neither was it decided at any level nor any of us were aware about it that this would not go to the Standing Committee. Yesterday when we heard that it is being listed for discussion today, then only we came to know of it. In the month of March when the BAC meeting was held, it was only said that we would allot certain time and we would take it up later. At that time also, it was never said that this Bill is not going to the Standing Committee.

Now I am making our party's view very clear. Hence forward, whenever this type of a request will come and there is a Bill before the Parliament, we will always insist that it should go to the Standing Committee.

SHRI RAJIV PRATAP RUDY: Madam Speaker, allotment of time is for the purpose of discussion, not to send it to the Standing Committee. Otherwise, why will we allot time? When it is to be discussed, then only we put time. So, we have to discuss it and the time allotted for the discussion of this Bill is four hours. Where is the question of sending it to the Standing Committee? ...(*Interruptions*)

माननीय अध्यक्ष : मैंने सभी की बात सुनी है। लेकिन आप भी इस बात को समझिए कि इंट्रोडक्शन के समय ही इस बात को कहा गया था कि स्टैंडिंग कमेटी में यह नहीं जाना है और इसीलिए बिजनेस अडवाइज़री कमेटी में समय भी अलॉट हुआ था। भूतहरि जी आप भी इस बात को जानते हैं।

...(व्यवधान)

SHRI BHARTRUHARI MAHTAB: Madam, I have the record with me. Please go through the record. ...(*Interruptions*)

माननीय अध्यक्ष : आप लोग बैठ जाइए। मेरा इतना ही कहना है कि यह महत्वपूर्ण बिल है। आप सभी लोग जैसा चाहते हैं और आप सभी ने कहा कि बाकी विषयों को लेना चाहिए। साधारणतया चार से ज्यादा विषय आज तक नहीं हुए हैं, लेकिन हमने छः विषयों को लिया। लेकिन हम ज्यादा से ज्यादा चार विषय ही डिस्कस कर पाएंगे, यह हम सभी लोगों को समझना चाहिए। हम इस पर भी विचार कर सकते हैं कि पूरे छः विषयों पर डिस्कशन हो, लेकिन उसके लिए समय कैसे निकाल सकते हैं? मेरा आज आप लोगों से यही निवेदन है और मैं अपना अंतिम निर्णय दे रही हूँ और इस बात पर हम सभी को सहमत होना होगा कि आज यह बिल डिस्कशन के लिए नहीं लेंगे, लेकिन माननीय जेटली जी इसके इंट्रोडक्शन के लिए स्टेटमेंट दे सकते हैं।...(व्यवधान) उसके बाद हम एवआरडी मिनिस्ट्री पर चर्चा शुरू करेंगे।...(व्यवधान) लेकिन इस बिल पर हमें कब और कितने समय चर्चा करनी है, यह हम बाद में आपसे चर्चा करके तय करेंगे।...(व्यवधान)

**13.13 hrs**

**THE CONSTITUTION (ONE HUNDRED AND TWENTY-SECOND AMENDMENT) BILL, 2014**