

[English]

**(viii) Need to withdraw the Central
excise duty levied on goods
manufactured by Small Units**

DR. SHRIMATI K.S. SOUNDARAM
(Tiruchengode): Sir, the tiny units manufacturing a number of household items like electrical appliances, accessories such as boards, footwears, etc., are threatened with closure due to the imposition of excise duty on such products under the Branded Goods Excise Duty Scheme. It is needless to mention that these tiny units have a capital investment of less than Rs. 5 lakhs and most of the entrepreneurs in this sector are illiterate or semi-literate. As per the budget proposals a unit which is manufacturing a product having a brand name of another marketing organisation in the tiny sector has been brought within the ambit of excise duty levy. I urge upon the Government to withdraw the central excise duty imposed on such units and save them from closure.

12.51 hrs.

**RE: DISCUSSION ON THE
STATEMENT MADE BY THE
MINISTER OF COMMERCE ON
22.4.1994 RE: CONCLUDING
MINISTERIAL MEETING OF THE
URUGUAY ROUND**

[English]

MR. SPEAKER: The House will now take up Item No. 17, namely, discussion on the Concluding Ministerial Meeting of the Uruguay Round. Mr. Sharad Yadav.

[Translation]

SHRI SHARAD YADAV
(Madhepura): But we are not ready to support you in this situation at any cost. *(Interruptions)*

Mr. Speaker, Sir I am not speaking under any rule but there are times when some sort of extra ordinary situation arises in the country which affects the coming generations also and today the public in general, the farmers and the entrepreneurs are restless.

The present budget as well as the preceding ones, presented by this Government have played havoc with the small scale industries as a result of which at least one lakh persons who had been engaged in these industries have become unemployed. The signing of this document is certainly going to ruin our employment prospects as well as our agriculture. I am pained to submit that if this motion is passed in the House then we are heading towards hard days. You should permit a discussion under rule 184 in this regard otherwise, we do not have any way out. Keeping in view the feelings of the people the House should take a unanimous decision in this regard. We do not want our country to be in a situation of helplessness. We want to register our protest in the History so that the coming generations could know about it. Therefore, a discussion under Rule 184 should be held on this issue as ratification of this agreement will not be the last word on this subject. Every farmer and villager is going to oppose it. Singing of this agreement will be opposed with all the force at our command. We shall prefer to die than to bow to the pressure. This Government may be under compulsion but the people are not under any compulsion and we will not allow the Government to do so.

MR. SPEAKER: Why are you speaking in such a tone. You can not talk in such a manner in the Parliament. You can simply tell that what can be done legally and what can not be done.

SHRI SHARAD YADAV: Mr. Speaker, sir you are right. I do not want to go against the rules and if I do you can punish me as per the provisions under the law.

MR. SPEAKER: You cannot act in such a manner.

SHRI SHARAD YADAV: I am ready to face any consequences. If you ask me to leave the House I will readily accept it. I also feel bad while violating this rule.

[English]

SHRI UMRAO SINGH (Jalandhar): I am on a point of order.

MR. SPEAKER: Yes, Sir.

SHRI UMRAO SINGH: Under what rule he is speaking?

MR. SPEAKER: Because I have allowed him.

[Translation]

SHRI SHARAD YADAV: No doubt, I am violating rules but I will readily accept the punishment awarded by you in this regard.

MR. SPEAKER: There will be only one punishment that we will not be able to hold any discussion. If you act in such a manner, then instead of punishing you I will not permit any discussion whatsoever.

SHRI SHARAD YADAV: If we cannot give vent to the feelings of the people in a discussion then it is meaningless. In no way we can be stopped from expressing our feelings as well as the feelings of the people. We will accept any punishment for this.

MR. SPEAKER: I am providing you an opportunity to have a discussion on this issue.

SHRI SHARAD YADAV: We do not want any discussion as we have already done a lot of discussion on this issue and it has created a division between us and the treasury benches. They as well as we have made up our minds and both the sides are firm on their respective stands. There seems to be no scope to break the 13.00 hrs. deadlock. There is only one way out that the feelings of the House should be taken... (*Interruptions*)

MR. SPEAKER: You decide it yourselves and let me know, I will accept it, if you do not compromise then I will go by the rules....

(*Interruptions*)

SHRI SHARAD YADAV: We should get an opportunity to express our feelings. I would like to submit that the Government may be under compulsion but the poverty stricken people of India are not under any compulsion.

SHRI LAL K. ADVANI (Gandhinagar): Mr. Speaker Sir, you have allowed further discussion on GATT. But under what rule a discussion should be held and what procedure is to be adopted is to be decided. As per my knowledge, Shrimati Malini and Shri

[Shri Lal K. Advani]

Rupchand ji had already given notices under Rule 193.

[English].

SHRIMATI MALINI BHATTACHARYA (Jadhavpur): We have given notice under rule 184 also.

SHRI LAL K. ADVANI: Yes, you may have given on both but what I am trying to point out is that this is an issue which has divided the House whether it should be under rule 193 or 184, so much so that we were told yesterday that a meeting had been convened to discuss this particular matter.

Just now I was enquiring from my colleague Shri Jaswant Singh that this matter was not even discussed at the lunch that was held yesterday afternoon.

MR. SPEAKER: I do not think, it is correct.

SHRI SOMNATH CHATTERJEE (Bolpur): He came late.

SHRI LAL K. ADVANI: Shri Jaswant Singh came late! Anyway, I would like to plead with you that this is a matter which merits your intervention at this late stage because it would be not only in accordance with the wishes of the entire opposition but I feel that it would be serving the interest of the Government as a whole, if the Government is really interested in telling the people that this is not an arbitrary decision of the Executive but it has the support of the Lok Sabha, unless it is not interested in that.

I am really surprised that not only the position but the Government itself

should have been keen to see that this is discussed under Rule 184 so that there is a proper debate and subsequent to that there is a vote by the House. It is a because by avoiding a vote you water your own position.

Your Finance Minister claimed the other day that one of our biggest achievement is that we have converted a minority into a majority. Let that be shown today. A more important issue is that this is an issue where the House will be discussing an international treaty for the first time in the present situation where not only the people are against the treaty but several State Governments have publicly expressed themselves against the treaty; not only against the treaty but they have gone to a court of law, challenging the right of the Central Government to by-pass them, not even to consult them and sign this treaty. It is a unique occasion. Therefore, taking into account all these factors and after all the choice was open to the Chair to decide whether it should be under Rule 193 or 184, if the entire opposition was in favour of having this discussion under Rule 184 I see no reason why it should not be under Rule 184 and the House be given an opportunity of expressing its view

MR. SPEAKER: I will explain you.

SHRI LAL K. ADVANI: Otherwise it would be just talked out and we would have a repeat of performance of what has happened once or twice before and now it would be a different matter.

SHRI SOMNATH CHATTERJEE (Bolpur) Mr. Speaker, Sir, nobody denies, I am sure the hon. Commerce Minister and the Government of India that this is a very very vital matter for

the nation as a whole. This agreement will remain in force for years to come until it is replaced. It covers large areas of our national life, of our economic life.

A wide ranging discussion is necessary. That the Government has agreed. They have not disagreed. They have never denied this does not justify or merit a full discussion. But the question is, the situation is undoubtedly such that there has been no prior detailed discussion on the floor of the House. As matter of fact, we have been complaining that this is a matter on which there has not been sufficient disclosure and we were faced with almost a *fait accompli*.

The hon. Minister of Commerce went to Marrakesh and we have got very disquieting reports and he had to make some efforts to mobilise the Third World countries to withstand the machinations of the U.S. Government and the Administration. Therefore, the matter is of an extreme nature.

Now this country because of the Constitution can enter into a treaty through a mere executive decision. But in that situation can the role of Parliament be only of a mere spectator? This is very important. We know that for legal purposes the Government does not need the sanction of Parliament. But how can the Members of Parliament express their views? By talking out a Resolution or by talking out a subject, it is done.

I am, very humbly drawing your attention to the ambit of Rule 193 itself. Although it is a matter of urgent public importance, which is sought to be raised, specially some very urgent matter comes up, although we may be discussing it for hours, Rule 195 says, "There shall be no formal motion before the House nor voting. The member who has given

notice may make a short statement and the Minister shall reply shortly." This is what was contemplated; it is provided, in the ambit of Rule 193. A very urgent matter has come up. A short discussion will take place. That is also the heading of Chapter XV "Short Duration Discussion" under Rule 193; as there is no formal motion therefore necessarily there can be no voting and also a time limit is fixed for this. Therefore, Rule 193 is very very specific provision for discussing a matter of urgent public importance for a very short time. It is a brief statement to be made and a brief reply to be given by the Minister. That is why I said at the beginning that nobody says that it is a matter of brief disposition, or can be disposed of briefly.

As a matter of fact, I believe the hon. Minister of Commerce felt that two days discussion might be necessary and the hon. Minister of Parliamentary Affairs felt that it would go on till late in the evening today. It is within the contemplation of Rule 193? If I may ask myself, my submission is, it cannot come within the ambit of Rule 193. This is the highest body, this is the highest forum in India, viz. Parliament of India, the Lok Sabha. If its Members want to express their views very categorically, nobody can dispute it. This has become a controversial matter. It is a controversial matter. There are different views on this on the *bona fides*.

Although the Commerce Minister, we find, is going round the country saying—he is entitled to do that. I do not challenge his authority to do so,—viz., the Opposition is deliberately disinforming the people. He has even probably used the word 'lies'. The newspapers say that. Therefore, we are charged as having lied to the people, or even deliberately misleading the people. Therefore, we want

[Shri Somnath Chatterjee]

to make our position very clear whether we are permitted to express our views or not or are we deliberately saying something for the purpose of public consumption? Sir, our views can be categorically expressed on the floor of the House if we take it to the Division, after the discussion. Otherwise, it will be said, "Well, Parliament had an opportunity to discuss it, Parliament has given its views. The whole consensus is behind this agreement, not only the Executive but the Parliament also is a party to all this. We do not wish to be a party to this. We may right, we may be wrong. The history will decide and the people of this country will decide who is right and who is wrong. But why should I not have that opportunity as a chosen representative of the people, to expressly and categorically state my views for the people whom I represent here, as to whether I am specifically against this? I cannot express that unless a vote is taken on this. Rule 193 gives a very very limited scope. Specially when no legislative ratification is necessary, let this Parliament not be a debating place, a talking shop only, where the Parliament of India just expresses its views. The Executive may or may not take note of that, but I must get an opportunity to exercise my right to express my views categorically for and against the action that the Government has taken or is going to take further. I want to exercise that right as a Member of Parliament representing the people of this country, on a very very vital aspect affecting the national life in the years to come. Therefore, I respectfully submit that let us not go into quibbling about the rules. My submission is that Rule 193 does not contemplate this type of a discussion. If you do not agree even to that contention of mine, I shall request for the posterity,

for setting up a very good precedent in this country. These agreements do not occur everyday. Therefore, in future whether it will come after this decade or next decade, we do not know. At least there will be that precedent that the Parliament was not totally given a good bye and had an opportunity to express its views categorically. The numerical strength will show how many people are behind this agreement and how many are opposed to it. Therefore, kindly give us that opportunity.

SHRI INDRAJIT GUPTA (Midnapore): Sir, I only wish to make one brief point specially for your consideration. I would remind you respectfully that when this matter was first discussed in this House in the last session, there was a brief discussion. I had raised a particular point, on which you had assured me in the House that these points require to be looked into more thoroughly and they will be looked into and then a reply will be given. Why we are pressing for an opportunity under the rules is to be able to have our opinion recorded. That is why we are pressing for discussion under rule 184. You are perfectly correct in reminding the House that constitutionally there is no obligation whatsoever on this Government to get any treaty ratified by Parliament. That is quite correct. So, a point was raised whether the Constitution should, therefore be looked into with a view to amending it and all that. That is a point which has been raised. Anyway, we are not taking up that just now. The second point you have correctly stated is that it has been the tradition of this Parliament to debate, whenever there was a debate, matters which are connected with international treaties under rule 193 and, therefore, that tradition, or convention, whatever you would like to call it, should be followed. But I am pointing out that

here is a treaty which, in my humble opinion—and in the opinion, now it appears, of many people, which was not the opinion at that time—is unique in the sense that it transgresses on the Constitutional rights of the States. You can certainly enter into a treaty without getting it ratified by the Parliament, but does it permit the Government to enter into a treaty, some of whose clauses transgress on the Constitutional rights of the States? It is a federal structure we are working in... (*Interruptions*)

MR. SPEAKER: There is one point on which you can enlighten us.

SHRI INDRAJIT GUPTA: I am not, at the moment, going into the detailed arguments about it.

MR. SPEAKER: The point which I am just putting for your consideration is that even if it is passed by the Parliament, does that mean that the States have ratified it?

SHRI INDRAJIT GUPTA: We have to see what are the provisions in this treaty and what are the implications. It is not an accident that so many State Governments have protested against this. This is a country now where State Governments are being run by different political parties. Every State Government is not run by that party on whose behalf this treaty has been signed at Marrakesh. There is a certain party ruling at the Centre.

MR. SPEAKER: Shri Indrajitji, this is a very important point that you are raising and it is likely to be discussed outside also. Some of the constitutional provisions have to be passed by this House as well as ratified by the State

Legislatures. Is this treaty also to be ratified by the State Legislatures?

SHRI INDRAJIT GUPTA: No, we have not said that... (*Interruptions*)

MR. SPEAKER: It is not a technical point. It is a main question.

SHRI INDRAJIT GUPTA: Sir, you were rightly concerned the other day that such a signal should not go out. Since it is an international treaty you did not cherish the idea of a signal being sent out that this Parliament of this country, which is after all sovereign Parliament under our Constitution, has got a divided opinion regarding a particular treaty. But the trouble is, Sir, that we would like to have your clarification also on the difficulty we are facing. We are supposed to be—this House, you and the rest of this House the custodians of the Constitution and we are certainly jealous of the rights which the Constitution has given to the people of this country. Now, I submit without going into details at this stage that a very very important segment of the rights which have been conferred by the Constitution on the States namely matters dealing with Agriculture etc. have come up. It comes under the exclusive jurisdiction of the States. It comes within the State List, the exclusive list which is under the Constitution defined for the States. It may be a matter of argument, interpretation and all that. I concede. Somebody can interpret it differently. But when such an important matter is there which is staring us in the face, can we rush headlong into something which may prejudice the whole federal structure of our polity? Is it not a matter which required much more discussion and if we feel that they are not able to convince us about it, it is no use simply going on repeating that we do not need to get it

[Shri Indrajit Gupta]

ratified by Parliament. It is the constitutional position. I accept it. We have no other go but to accept it.

What is being argued here is that Parliament must have the right to express its opinion and record its opinion which cannot be done unless the discussion takes place under Rule 184. My argument will be the main argument. There are so many other arguments which my colleagues are bringing forward. I agree with most of them. How can a treaty transgress on the rights of the States? It will open floodgates to something which will be disastrous in future for this country and it should not be permitted. We should proceed cautiously, carefully, with utmost care to see that no such thing is done. Apart from the other thing, the constitutional side of it, what kind of reaction will it produce among the people in the States vis-a-vis the Centre? Is that something that we want?

Yesterday there was a discussion here about how social tensions and political tensions and all kinds of conflicts and things arise in such a vast country as ours and which should be avoided as far as possible in the interests of political stability etc. But if you do something here which provokes some State Governments even to go to the Courts and challenge this treaty on the ground that it does not have the competence to trespass on their rights under the Constitution, what kind of floodgates will be opened for disturbing the Centre-State relations? Is that good for the political stability in this country apart from other economic and other arguments?

Therefore, I am requesting humbly to please reconsider this matter. If the Government wants... (*Interruptions*)

MR. SPEAKER: Shri Indrajitji, there is one more difficulty. On what do you want a vote? I do not know. Because I have not received any notices saying that on a particular matter you want a vote, whether you want to nullify the signature put to that or you want something else. The notices given to us do not clarify.

(*Interruptions*)

SHRI LAL K. ADVANI (Gandhi Nagar): Sir, if you take it up under Rule 184 even as a matter of discussion, a substitute motion could have been a substantive motion. We would like the Government to review it.

MR. SPEAKER: I should know on what you want a vote. The notices which I have received do not make these things very clear.

SHRI LAL K. ADVANI: If Mrs. Malini's motion had been admitted under Rule 184, it would have been open to any Member of the House to give a substantive motion.

MR. SPEAKER: To admit a motion for a vote, this Presiding Officer at least should know what you want.

SHRI LAL K. ADVANI: Even if the motion under Rule 184 had been admitted as it is, it would have given an opportunity to us. That is all.

MR. SPEAKER: First of all I have received two notices under Rule 184. The wording of those two notices is not correct. I have received about three notices under Rule 193, the wording of which is a little more clear. Then if you have to decide as a Presiding Officer you should know on what the voting has to take place.

[*Translation*]

SHRI LAL K. ADVANI: Mr. Speaker, Sir, it has happened a number of times. First a subject is selected for discussion and it is decided at a later stage whether it will be discussed under Rule 184 or Rule 193. Had this motion been under Rule 184 then there was no problem.

MR. SPEAKER: The notices of the matters are not decided through a discussion in the House. They should be decided in Chambers and I had called a meeting for this purpose not once but thrice.

[*English*]

SHRI CHANDRA SHEKHAR (Ballia): Mr. Speaker, Sir, you just asked on what issue the voting should take place. I consider that the speaker is also expected to advise the Members. If they do not know on what issue they are to ask for the voting, it is not your duty to advise them? The House is so sharply divided and all the Members in the Opposition who are not in the Ruling Party feel—I do not know whether rightly or wrongly—that it is a sell out of the nation. And the Government also feels so strongly and says that whoever is against it is creating a misunderstanding among the people and is not serving the cause of the nation.

Mr. Speaker, Sir, it is not only that. Their voice is being heard at various levels and the media that is being controlled by the Government has been given instructions not to publish statements from the Opposition Members who are speaking against GATT. Under these circumstances we want just to express our opinion through voting. What is the difficulty in it?

MR. SPEAKER: But what is it that you want?

SHRI CHANDRA SHEKHAR: We want to say that this Government had no business to sign this Agreement without consulting the State Governments and without taking them into confidence where their jurisdiction is being invaded upon. We can give a one-line motion saying that this Government had no authority to sign this Agreement which abridges the rights of the State Governments and on that we want a voting.

MR. SPEAKER: But constitutionally that is not correct.

SHRI CHANDRA SHEKHAR: What is the constitutional point in it?

MR. SPEAKER: Legally and constitutionally the Council of Ministers is entitled to ratify it.

SHRI CHANDRA SHEKHAR: All right. We shall say that we disapprove the Agreement.

MR. SPEAKER: That is why I should know exactly what you want.

SHRI CHANDRA SHEKHAR: Let this discussion be given up and let us find out how we can record our vote.

[*Translation*]

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, let me also take the opportunity. (*Interruptions*)

MR. SPEAKER: I will give opportunity to you as well as to the hon. Members of the ruling party. Whatever is decided with the consensus of all, will

[Mr. Speaker]

be final. If all the hon. Members do not agree to this, then the final decision will be taken according to the prescribed procedure. The hon. Members can unanimously take whatever decision they want.

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, actually a stalemate has been created and a solution to it could have been found in the Chamber.

MR. SPEAKER: That is why three meetings were convened.

SHRI ATAL BIHARI VAJPAYEE: It is true that three meetings were convened, but had it been decided therein that this motion would be taken under Rule 184, the problem could have been solved. In those meetings it was decided that the motion would not be taken under the Rule 184. Mr. Speaker, Sir, the motion that the statement issued by the hon. Minister of Commerce after the returned from Marrakesh should be taken into consideration—could have been made into it to the effect that after reviewing the statement the House may suggest the Government to review their stand. The august House can suggest this. We have requested the Government time and again that they should move ahead in this direction. Well, the Government may refuse, but if discussion is disallowed on the procedural basis and the hon. Members are prevented from expressing their opinion, there would be difficulty.

Mr. Speaker, Sir, if we go by rules and regulations it is also not necessary for the Government to seek the approval of the Parliament after signing such a document, but at the same time do the

rules and regulations in this regard permit disallowing an amendment moved in this regard? Therefore, Mr. Speaker, Sir, I would like to ask you a question.

MR. SPEAKER: Instead of asking me, you should ask the question to the Government.

SHRI ATAL BIHARI VAJPAYEE: No please, Mr. Speaker, Sir, it is a procedural matter. Suppose you do not allow it under Rule 184, but if in the ballot for Private Member's Motion I get a chance, and move the motion "that the House should reject the GATT". Could you rule it out? No, you cannot. That would have been discussed in the house, we could even demand for voting in this regard though it could be rejected by the Government on the basis of their majority. In spite of all this, I could not have been disallowed to move the motion, and if I can do this work as a private member, why can't I create the similar situation by moving a motion on a different pattern under Rule 184.

I am unable to understand why the Government has been adopting such an attitude in this regard? It hardly matters if the Government make a false propaganda that they have defeated the opposition, and that the majority of the members are with them.

[English]

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Speaker, Sir, the point I wanted to make has been placed by Rev. Shri Indrajit Gupta. My submission is such a situation has never occurred earlier because the issues have never figured where the powers of the Government of India and the constitutional

jurisdiction pertaining to the States have come into conflict. Apart from agriculture, even health care, is also in the States' Authority and here is a situation where the Government of India have signed the agreement and apart from the States where the Opposition Parties are, in power, even in the State of Andhra Pradesh where the ruling party is in power, the Andhra Pradesh legislative Assembly has unanimously passed a Resolution urging the Government not to sign the Dunkel-Draft in the present from because the agreement is contrary to the interests of the people of this country. The situation is such that the present attitude of the Government of India will weaken the Centre-State relations and also it does not help in strengthening the unity and integrity of this country. Whatever the Government says, we, the Members of the Opposition, are strongly convinced that this Government has not taken the interests of the people of this country to the developed countries, particularly the USA and other countries. *(Interruptions)* You express your view points. Let the Hon. Speaker give you an opportunity. *(Interruptions)* We hold this view strongly. *(Interruptions)*

We humbly urge upon you to give us an opportunity to register our protest and to register our disagreement with the signing of the final agreement. That is why we demand that the discussion should take place under Rule 184. Please consider it.

[Translation]

SHRI NITISH KUMAR:
Mr. Speaker, Sir, so far as defining the rules and law is concerned, nobody can challenge your competence... *(Interruptions)*

MR. SPEAKER: No, Shri Somnathji can who is sitting there.

SHRI NITISH KUMAR: Just now, the leader of the opposition party pointed out one thing. It appears to me that if a Private Member's motion has been moved, you would have been competent to disallow it on the constitutional grounds. You can do so on the basis of the constitutional provision of ratifying the treaty. This is my personal opinion. The Constitution empowers the executive to sign any international treaty—there is no doubt about it. But it does not restrict the Government from ratifying the treaty, if required. The Government may bring a motion for ratification if they desire so, there is no restriction in this regard.

Since the people are agitated on this issue and the situation it has created is far from normal, the matter should be discussed and views be recorded at all events in the House. We request the Government to discuss it under Rule 184 because a stalemate continued in the meetings convened by the Government and we kept on hearing that no solution to it was found. Had the matter been resolved under Rule 184, one or the other hon. Member would have moved a substantive motion immediately thereafter. The stalemate was stated to be unresolved as yet. But today, suddenly we saw it in the list of Business... *(Interruptions)*...

[English]

MR. SPEAKER: The day was fixed.

[Translation]

SHRI NITISH KUMAR: But this stalemate continued uptill yesterday we kept on enquiring the members of BAC

[Shri Nitish Kumar]

and our leaders who revealed that the stalemate continued. Therefore, as far this issue we had been in dark. The matter should be discussed under Rule 184, this is the opinion of all the Members of the opposition. In order to respect the public feelings, no misunderstanding should be created in the country. They are to suffer ultimately. If the Government does not allow discussion under Rule 184, we will allege that there is something wrong in the bottom and that is why they are not putting it to division of votes. We want to raise this matter before you. It should kindly be reviewed and discussed under Rule 184.

[English]

SHRI CHITTA BASU (Barasat): Sir, I seek your guidance.

MR. SPEAKER: You do not have to seek my guidance because it is very difficult for me to do that.

SHRI CHITTA BASU: You are the custodian of the House.

MR. SPEAKER: I can do that in the Chamber, not in the House. Otherwise, we will enter into a dialogue.

SHRI CHITTA BASU: I want to seek your guidance. I am not an ordinary Member of this House. I have been elected by the people, by my electorate. I have been sent to this House on the basis of a certain mandate. I am here to exercise my right in the implementation of the mandate that I received from my people. I want to exercise that right.

It is true that the Constitution of the country does not provide that every

international agreement is to be ratified by Parliament actually. But, at the same time, the letter and spirit of the Constitution is that the sovereignty belongs to the people. I, as a Member of the Lok Sabha, represent the electorate and the sovereignty of the people is expressed or manifested here through me. As a Member of this House, I want that my views regarding the GATT are to be expressed freely, frankly and recorded. As a Member of the House, elected by the people with a definite mandate, I seek your guidance to show me the way how to exercise my inalienable right to express my views, to record my views.

MR. SPEAKER: If I allow you to speak, it will be recorded. I am not going to put any time-limit on the discussion.

SHRI CHITTA BASU: Actually, by not putting a time-limit, you cannot refuse to permit me to get my views recorded.

MR. SPEAKER: You can say that you do not approve of it. Once I allowed you, it has been recorded. It is a part of the record.

SHRI CHITTA BASU: This is one point. I seek your guidance.

Secondly, as far myself, I cannot speak for others. The federal character of our Constitution is a basic structure. As a matter of fact, certain...

MR. SPEAKER: Please do not go into that. It is not necessary. At the time of debate, you can raise that.

SHRI CHITTA BASU: Therefore, I think that you can allow me to keep my views, express my views by casting my vote only if you accept that the motion is put to vote. (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): A question has been raised whether or not it will be constitutional to raise such a discussion under Rule 193. I am first on this point. As you have told us repeatedly, we have accepted it. Sometimes we also had pointed it out that at the stage of introduction of any Bill or Resolution, the question of constitutionality of that Bill will be decided by the court and not by the House. Therefore, whether the issue is unconstitutional or not, if the political wisdom of the House so requires that a Resolution be debated, whether it is constitutional or not, it can be discussed elsewhere. But here, what we are after is a political question whether or not people who have elected us, will know how we have reacted to a question whose implication, in our mind is that the country may lose its sovereignty, the States may lose their power in relation to the Centre. And the point is, how has each individual Member recorded his vote on that? It is not a question of our comrade Chitta Basu's speech. It is a question of how have different individuals recorded their votes? That is why, instead of under Rule 193, it is urgent that we discuss this and we have it recorded in terms of individual membership of the House under Rule 184.

SHRI SYED SHAHABUDDIN (Kishanganj): I am on a completely different point. As far as I know, the deadline for ratification of this Treaty which has been initiated by the hon. Minister at Marrakesh, is 31st December, 1994 or as soon as possible thereafter. Here, we are faced with a situation where the constitutionality of this Draft Treaty has been challenged and it is *sub judice*. I am apprehensive of an international tangle. Supposing the Government in its wisdom makes haste and ratifies the Treaty tomorrow and the day after the

Supreme Court rules against it, how are they going to extricate themselves from such a conundrum and the embarrassment. Therefore, we demand that in view of the controversy that is raging throughout the country in political and judicial fora, the Government should not make haste about it. Therefore, the Government should allow the crystallisation of the opinion as freely as possible. I admit that the Constitution does not require an endorsement of the Parliament before the executive ratifies an international treaty. But the Constitution, at the same time, does not bar a rule of prudence which may require the Government to seek the opinion of the House specially in the circumstance where the constitutionality of the very document is under challenge.

SHRI SRIBALLAV PANIGRAHI (Deogarh): This is not the first time that a matter of this nature is being discussed in this House. Earlier also, several international treaties have been signed by the Government and have come for discussion in the House. According to me, if a discussion under Rule 184 is allowed and at the end of it there is division recorded, that would amount to either ratification or otherwise of the Treaty which is absolutely the Government's right according to the constitutional provisions.

I am referring to Articles 73 and 253 under which the Government can exercise its executive power. In the Constitution it is clearly provided as to which of the executive powers of the Government are to be ratified by Parliament. Promulgation of Emergency in the country under Article 352 and Promulgation of President's Rule under Article 356 are also done in exercise of the executive power vested with the Government. The Cabinet does it and it comes before the Parliament for ratification, for approv-

[Shri Sriballav Panigrahi]

al. That is what the constitutional provisions say. But in respect of international agreements, it is clearly provided that no ratification by Parliament is needed. That is why, if this motion comes under Rule 184, and when voting is there, naturally, it would tantamount to ratification which, I am afraid, is against the spirit of the constitutional provision. (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): It is non-constitutional and it relates to political judgment.

SHRI SRIBALLAV PANIGRAHI: Why are they in a hurry? Several legislations emanating from this agreement will come before this House and at that time there will be enough opportunity for them also to go in for division etc.

MR. SPEAKER: Please leave something to their discretion and they will reply. On *sub-judice* point, they are in a better position; on legal points, you can speak.

SHRI SRIBALLAV PANIGRAHI: So, at this point of time, the discussion under Rule 193 would provide an ample opportunity, as in the past, to express, once again, their views clearly on this issue.

SHRI UMRAO SINGH (Jalandhar): Mr. Speaker, Sir, there are two rules to which I would like to refer. One is Rule 184 and the other is Rule 186. So, the discussion is prohibited not only under Rule 184, but also under Rule 186, Rule 184 says:

"Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest

shall take place except on a motion made with the consent of the Speaker."

Rule 186 says:

"In order that a motion may be admissible it shall satisfy the following conditions, namely:—

- (vi) it shall not revive discussion of a matter which has been discussed in the same session;
- (viii) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India."

MR. SPEAKER: He is raising a good point. Please hear him.

SHRI UMRAO SINGH: Mr. Speaker, Sir, there are three points that have been raised. The discussion under Rules 184 and 186 is not permitted.

Shri Vajpayee, raised another point relating to Resolution. I would like to say that even that Resolution cannot be allowed, cannot be permitted on this subject. Rule 172 clearly says:

"Subject to the provisions of these rules, a member or a Minister may move a resolution relating to a matter of general public interest."

And then Rule 173 says:

"In order that a resolution may be admissible, it shall satisfy the following conditions, namely:—

- (v) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India."

So, Sir, the Resolution is not admissible and the Motion under Rules 184 and 186 also is not admissible. My submission is that the Constitution, the Rules totally bar the admissibility of such motions. I submit that the only way which is available for raising this discussion has already been permitted. I think, the House is bound by these rules and even the Speaker also has to allow the discussion as per the rules.

MR. SPEAKER: I am not above the law.

SHRI UMRAO SINGH: My submission is that since there was no agreement, the discussion should be allowed to go on in the way you have allowed it.

KUMARI MAMATA BANERJEE (Calcutta South): This house is the highest forum of democracy. I do not think that a message should go to the people or to other countries that our people have not arrived at a consensus on this matter.

Countries like Namibia, South Africa, Lithuania, Romania, Poland, China and even Cuba are looking towards us. Even the Chinese Prime Minister once wrote a letter to our Prime Minister for moral support. When that is the situation, I do not know why these opposition people are shouting against his treaty.

SHRI NITISH KUMAR: We are not guided by China. We are guided by the

people's interest and the national interest.

KUMARI MAMATA BANERJEE: Let me clarify my position. Instead of a discussion under Rule 193 they are asking for a discussion under Rule 184. (*Interruptions*) I want to clarify my position. We want the discussion. It is not a matter of either Rule 193 or Rule 184. The opposition should be in a clear mind whether they want discussion or not. Our Government is willing to discuss this Dunkel Treaty. Earlier also twice we discussed this. This time also you were kind enough to allow this discussion. All can express their views. It does not mean that they are the only elected Members and we are not the elected members. We are also the elected members. I think in the interest of all it should be allowed as enlisted in the List of Business today. It should be discussed today. I do not know why they want to delay it. We want to discuss it today itself.

SHRI MRUTYUNJAYA NAYAK (Phulbani): Signing of any international treaty pertains to the Union List. Secondly the executive is authorised and also delegated the power of signing of any treaty or any document. Also the Supreme Court has clearly given a ruling that in so far as the dismissal of a State Government is concerned, even the aid and advice of the executive is not supposed to be made public. So ratification is not necessary in this respect. So the House should not go for a division. They could have asked for the discussion earlier, much before the signing the treaty. I feel that such a message should not go that because the executive has been constitutionally empowered to sign the treaty, it should not go for any ratification or any division.

[*Translation*]

SHRI RABI RAY (Kendrapada):

Mr. Speaker, Sir, I do not rise to argue on rules and procedure. Leaving aside legal aspect in the views expressed by the hon. Members of opposition, we have a grievance that we cannot express our opinion on this matter. As Shri Somnath Chatterjee has pointed out, the ambit of Rule 193 is not comprehensive. We are discussing various aspects of GATT. If the Members of opposition are not allowed to express their views under rules and procedures, if they are not allowed to participate in the discussion about the future of the country, they would feel guilty that they are not fulfilling their duty sincerely. You said that the members of opposition could speak freely and frankly. The objectionable thing in it is that the country has been mortgaged under the GATT agreement and her sovereignty has been surrendered. If we do not give vent to our feelings our conscience will continue to prick us and the future generations would condemn us. One or two members of each political party spoke and their speeches were recorded. Therefore my submission is that the ambit of the Rule 193 is not comprehensive. The members of Congress party are also to express their views, they may also be given opportunity under the Rule 184 (*Interruptions*)

[*English*]

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Sir, in the past, very sensitive and very important matters have been discussed in this august House under this Rule, i.e. Rule 193. At no point of time, there was any complaint made that any of the hon. Member was unable to express the views

or record the views on those subjects because of any constraint in the Rule. That is the position.

Sir, all of us—this House, the Executive and the Judiciary—derive our powers and responsibilities from the Constitution of India. And various Houses of the State Legislatures have gone to the courts. I am not mentioning the cases where the High Courts have been pleased to reject certain petitions. Some petitions have been moved in the Supreme Court. The Supreme Court also derives its authority from the Constitution of India, under which we are going to debate this particular matter in this House. I can give many examples; but I will give only one example where international treaties have been made on matters which entirely relate to the State List, by the Union Government; and no provision exists in the Constitution. It has never been demanded also that such treaties made by the Union Government which deal exclusively with the State subjects should be ratified or should be discussed in the State Assemblies or in the Parliament. For instance, the division of international river water. 'Irrigation' is a State subject. We have made river water treaties with Pakistan, with Bangladesh and in several instances, with Nepal. We have had various occasions to get the views of the State Governments.

Here, the question is this. Hon. Members have been good enough to concede that they can express their views freely and totally; and you have been, Sir, kind enough to say that you will not put any time constraint on it. The main point which is there, is whether at this very sensitive juncture, the House should be allowed to be divided itself on this matter. It is our considered opinion. (*Interruptions*)

SHRI NIRMAL KANTI CHATTER-
JEE: The whole country is divided (*In-
terruptions*)

SHRI VIDYĀCHARAN SHUKLA: Sir,
it is our considered opinion that it will go
against the interest of the country. It will
go against the national interest if we
divide the House at such a sensitive
juncture of our negotiations and our
actions in this particular matter.

After long discussions in your Cham-
ber, you have had the benefit of taking
the views of all the leading Members of
both the Houses and particularly of this
House; after looking into the Rules of
Procedure and after looking into the
Constitution, you have been pleased to
admit the discussion under Rule 193.
This discussion will give the hon. Mem-
bers the full right to say whatever they
want to say regarding this Treaty; they
can record their opposition, record the
reasons for the opposition, record their
disapproval in their speeches; and after
that, the ruling party Members also can
put forth their points of view. This is the
only position which is allowed under the
Constitution and under the Rules of
Procedure which have been adopted by
this House; and there is no other way
of doing it. I would therefore, urge upon
the... (*Interruptions*) Sir, I am not yield-
ing. I am only submitting to you, Sir.
(*Interruptions*) I am submitting to you,
Sir, that this kind of a discussion can be
held only under Rule 193; and we will
have the full opportunity of expressing
our views and putting forward our view
points. They will be properly recorded
and the whole country will know, who is
in favour and who is not in favour.

As far as informing of the condi-
tions is concerned, this will be done while
discussing under rule 193.

SHRI BASUDEB ACHARIA
(Bankura): Should all the Members be
allowed to speak? (*Interruptions*)

[*Translation*]

SHRI NITISH KUMAR: After all the
545 members are not to speak. Then
how will the opinion of all of them be
recorded... (*Interruptions*)

[*English*]

SHRI LAL K. ADVANI (Gandhi
Nagar): Sir, so far as the Opposition is
concerned, it has never been our case
that this treaty needs ratification by the
House. We have conceded that the
Constitution, at it is, does not warrant or
obligate the Government to seek ratifi-
cation. But I have been looking to the
Minister for Parliamentary Affairs or
anyone from the other benches to cite
one single argument why a discussion
cannot take place under rule 184.

Our simple case is that there is a
situation where political prudence war-
rants not only for the Opposition but also
for the Government.... (*Interruptions*)

MR. SPEAKER: Please do not
disturb.

SHRI LAL K. ADVANI: Let not
anyone take advantage of a device in
which the House is not allowed to ex-
press its opinion not in speeches but in
terms of actual vote. The majority of this
House what is it in favour of? All the
speeches made here will not reflect that.
It will be done only if a vote is taken.
So, has the Chair or the Government
been able to point out one single provision
in the Constitution or one single provision
of the law or one single rule of procedure
apart from convention? The example is

[Shri Lal K. Advani]

given by the Minister of Parliamentary Affairs that in the past the Government of India had gone into treaties which effect the States. There is no doubt about it because no State has ever objected. There has never been, in the past, a State Government going to the court of law; what to say going to the court of law, even disagreeing that this watered treaty should not be entered into.

There are seven Governments. I was surprised to hear from my colleague here that one of the Assemblies, where the Congress Party is in majority, has unanimously said that this treaty should not be entered into. Yet, by the use of a device like 193, if the Government wants to ride roughshod over the desire of the Parliament to record this vote, I think, it would be very unfortunate. It is really unfortunate.

Therefore, I would say that we do not depend upon the Government to agree with us. We rely upon you to intervene at this stage.

MR. SPEAKER: You must be fair to the Chair.

SHRI LAL K. ADVANI: As a Chair, it is your responsibility. Our appeal is to you.

MR. SPEAKER: My duty is to go by the rules. If there is any agreement between you, that is acceptable to me.

(Interruptions)

SHRI LAL K. ADVANI: I was very happy to listen to the arguments given in respect of 186 and 188. If there had been one single word saying that a

motion under 184 shall not refer to any treaty undertaken by the Government of India, I would have said that that rule bars. Today, there is no rule which bars a discussion under 184.

MR. SPEAKER: There is a rule to which I will refer later on.

SHRI LAL K. ADVANI: Procedurally and politically, it is desirable that this discussion should take place under rule 184.

MR. SPEAKER: Anything you decide between yourselves is acceptable to me.

SHRI LAL K. ADVANI: The Government's inability to accept our view is surprising. But I can understand the reason.

[Translation]

The representatives of six countries signed it, however, the representatives of six countries said in Marrakesh Conference regarding WTO that they would consult the matter in the legislature of their country. But so far as our country is concerned, nobody is ready even to have a consultations in this regard.

[English]

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERJEE): Sir, Some of the points which the hon. Members have referred to will no doubt come during the course of discussion if it takes place at all under whatever rule it may be. For example, the last point which Mr. Advani referred to is: why did 7 member

countries out of 111, who signed the final Act, not sign the WTO?

14.00 hrs.

That, of course, will come during the course of the discussion. The only limited point that I would like to submit for the consideration of the hon. Members is this. Perhaps, it is not correct, as Mr. Advani was referring to, that on earlier occasion, the State Government has not gone to the court challenging the international treaty. There are large number of precedents and the one which comes immediate to my mind is even in 1950s or 60s when there was an agreement with Pakistan on transfer of Bembari, the then State Government went to the court... (*Interruptions*)... Secondly, the question of interpretation of the Constitution comes. All of us are deriving our authority from the Constitution. What we are doing here comes under the Constitution. Most respectfully I would like to submit that the rules which we have framed to conduct our business in this House are within the purview of the Constitution. It is the power which has been given to the Parliament and to the Federal Legislature. We have framed the rules in that way.

SHRI SOMNATH CHATTERJEE:
How about right to discuss?

SHRI PRANAB MUKHERJEE: We will always have the right to discuss. I will come to that part later. While referring to the position on an earlier occasion, I said that we should not agitate at this stage. After all, the Supreme Court is the interpreter of the Constitution. Neither this House nor the Executive can interpret the Constitution. I mean the authoritative interpretation. We can interpret in our own ways as you are

doing. Therefore, we are interpreting the various provisions of the Act as we consider correct. But if that interpretation would have been universally accepted, then there would not have been any job for lawyers like Somnathji and others as they are to interpret law in a particular way. The third question of bypassing the Parliament also does not arise. On earlier occasions, I mentioned that this agreement itself is not a self-executing treaty. Various provisions of the agreement are to be enacted through the laws and Parliament has the sovereign right to make these laws. Therefore, it is not correct to say that Parliament....

SHRI SOMNATH CHATTERJEE:
We do not want you to take so much trouble of bringing new laws here.

SHRI PRANAB MUKHERJEE: Even if Parliament, at any point of time, considers that they will not pass laws the Executive cannot make the law.

The first question which some hon. Members were referring during their submissions was why I made this statement and there are many things which have not been told. I would most respectfully submit that when we had the debate under Rule 193 on 29th and 30th on this subject I informed the House that on 15th April, I am going to authenticate final results of Uruguay Round of negotiations, what I had done in my *suo motu* statement, I had informed the House that I had authenticated the final results of Uruguay Round of negotiations. Apart from that, to my mind, it would be perhaps an embarrassing situation if we, theoretically assuming express our opinion that the Government should come out of GATT. I do not know how constitutional experts and Court would interpret that and what would be the

[Shri Pranab Mukherjee]

impact of it. There the position would be that on an issue on which we do not have the constitutional jurisdiction but we are expressing our opinion on that. We can enact a law nullifying the implementation of it but we can not say we are disapproving a treaty which has been signed. Regarding disapproval of the statement, have I sought the approval of the statement that the question of disapproval would come up? I have not sought the approval. I have just informed. And what are you going to disapprove? The fact is that the document has been authenticated and the House has been informed. Therefore, Mr. Speaker, Sir, you are the person to decide under what rule or modalities it would be discussed. But I do not think any incongruity would arise if we have the discussion under Rule 193.

SHRI SOMNATH CHATTERJEE:
Are you not sure of your majority?

SHRI PRANAB MUKHERJEE: Yes,
I am sure of it.

SHRI MANI SHANKAR AIYAR
(Mayiladuturia): Mr. Speaker, Sir, I fear that honourable Advaniji has been less than fair to my colleague, Mr. Umrao Singh in saying that these benches have not put forward any argument within the rules as to why this issue should be taken up under Rule 193 rather than Rule 184. Very clearly and very specifically, Shri Umrao Singh read out the provisions relevant to this issue. I do not need to see Rule 184, I have heard what you have said.

Mr. Umrao Singh said that Rule 184 read with Rule 186 specifically ruled

out any discussion under Rule 184 under two conditions. First, if the issue were before a court of law.

It is the Members of the Opposition who have spoken here and who have repeatedly reminded us that this issue is before a court of law and unless they are able to tell me that either they will not be raising any of the issues which are before a court of law or that these issues are not (*Interruptions*)

SHRI GUMAN MAL LODHA (Pali):
We had raised this issue several times.
(*Interruptions*)

SHRI MANI SHANKAR AIYAR: I
must say Sir that I really have often
wondered... **

MR. SPEAKER: It is not going on
record. That is off the record.

(*Interruptions*)

SHRI CHANDRA SHEKHAR: Mr.
Speaker, Sir, it was... (Expunged as
ordered by the Chair). He should know
and keep quiet.

SHRI MANI SHANKAR AIYAR: Sir,
we had not, to the best of my knowledge
discussed under Rule 184 any issue
relating to Ayodhya. That was the simple
point before the House. Can we discuss
this issue under Rule 184 when pertinent
matters to the subject under discussion
are before a court of law? According to
Mr. Umrao Singh it is not permitted to
take up these matters under Rule 184
although there is no such restriction
under Rule 193.

The second point that Mr. Umrao
Singh made was that it is specifically said

** Expunged as ordered by the Chair.

in Rule 184 read with Rule 186 that if a matter has been discussed by the House during a particular Session, in that Session itself a discussion on that subject under Rule 184 read with Rule 186 is not permissible. As we are all aware, it was in this Session of the Lok Sabha that we actually had a discussion, a special discussion, on the GATT Treaty on the 29th and the 30th of March, 1994. *(Interruptions)*

SHRI SOBHANADREESWARA RAO VADDE: Under Rule 193.

SHRI MANI SHANKAR AIYAR: That is correct.

[Translation]

SHRI NITISH KUMAR: What you are speaking is applicable to Rule 193 also. If a case is sub judice or it has been discussed in the same session in the House even then it is applicable. It is a sheer wastage of time.

[English]

SHRI MANI SHANKAR AIYAR: I do not know why Mr. Nitish Kumar wishes to keep on capturing the headlines by interrupting when we are speaking.

[Translation]

SHRI NITISH KUMAR: You had prevented me from speaking. The hon. Speaker had allowed me to speak in the last session, that time also you had restricted me.

[English]

He was given more time.

SHRI MANI SHANKAR AIYAR: Mr. Speaker, Sir, I return to my point. Mr. Umrao Singh has specifically informed the House that in terms of the wording of Rule 184 read with Rule 186, if an issue is before a court of law or if that issue has been discussed in the same Session in the House, you cannot take it up for a substantive motion under Rule 184. That is all I wish to say.

MR. SPEAKER: I must thank the hon. Members for very very valuable points made by them which will certainly help me in coming to the conclusion. I and everybody, including the Government, can understand the importance the Members are attaching to this Agreement and we can will appreciate this.

(Interruptions)

MR. SPEAKER: Of course, the Government also appreciates it. Whatever you say helps the Government also in taking a stand internationally.

In the Parliament, you know, the discussion should be welcome. Now, the discussion should be welcome in the House and I think all the Members should be allowed to discuss this matter at length, if they want to, without repeating the points of course. But if they want to make the good points, they should make the good points or the new points of which they are capable; at least, I know they are capable of making good points.

There are three notices under rule 184. One notice reads like this:

"This House disapproves the authentication by the Government of the Final Act embodying the results of the Uruguay round of multilateral trade negotiations."

[Mr. Speaker]

The second notice is also like the first one.

The third notice reads as follows:

"This House disapproves the statement made by the Minister of Commerce in the House today on the Marrakesh meeting."

I don't think this kind of notice can be entertained and allowed. But I am not giving a final decision on the third notice. But these two notices have been given, and these two notices are dated 21.4.1994 and 22.4.1994 respectively. The second notice is given on 22.4.1994. Then I received other notices also. This is a notice under rule 193. It says as follows:

"Discussion for short duration on the following matter of urgent public importance—The statement made by the Minister of Commerce today in the House on GATT,"

The second notice also reads as follows:

"Short duration discussion on the statement made by the Minister of Commerce today in the House on GATT."

This is also dated 22nd April, 1994. There is one more notice; it was on 15.4.94; it was given by Mr. Nitish Kumar. It reads as follows:

"The situation arising out of the likely impact on industry and trade of the country as a result of accepting the GATT agreement by the Government of India despite the fact that no final decision has

yet been reached on the social clause proposed by America."

These are the notices which I have received; and these two notices under rule 193 were received on 22nd April; whereas notices under rule 184 were received on 21st April, one day earlier. In fact, this matter was being discussed between the Members; and I know the people have their definite views. So, I discussed it with the Minister of Parliamentary Affairs. We had organized meetings of the Leaders not once but I think two or three times we had discussed it. And every time when we discussed this matter, no exact conclusion was arrived at. I am saying these things because I thought that the Members were agreeable to accept the decision; that was my impression, which may be wrong also. But I must be very fair to the Members. They did not in exact terms say that they would like to discuss it under rule 193; that was my impression. Every time I said, "what is the conclusion?" Well, nobody wanted to say exactly what should be done on the floor of the House. So, I went with that impression. Moreover, notice under rule 184 was given on 21st April and a different kind of notice under rule 193 was given on 22nd April, 1994.

My impression was little reinforced which may be wrong also. I am not saying that my impression was correct impression. That is why I wanted to see what actually the provisions are under which I have to take a decision. Now the exact provisions which are relevant are and this is under Rule 184:

"In order that the motion may be admissible it shall satisfy the following conditions, namely,..." I am reading only the relevant sub clauses.

"...It shall not revive a discussion to a matter which has been discussed in the same Session."

That is one.

The sub clause 11 says:

"It shall not ordinarily relate to a matter which is under the consideration of a Parliamentary Committee."

This matter was not under the consideration of Parliamentary Committee but it was already discussed by the Parliamentary Committee and a report has been given. Then Rule 183 says:

"The Speaker shall decide whether the motion as passed thereof is or is not admissible under this rule and may disallow any motion passed thereof, when in his opinion it is an abuse of the right by moving the motion..."

I would not say that it is abused

"...It is calculated to obstruct the judicial..."

I would not say that also.

"...Obstruct the procedure of the House or is in contravention of these rules."

Certainly, it is in contravention of these rules which I have already read out. Now the question is what do I do?

SHRI INDRAJIT GUPTA: Have lunch!

MR. SPEAKER: Yes, that is a very good suggestion. The question is if you ask me to decide this matter I shall

decide this matter as per rules. If you have an agreement between yourselves in any other fashion, it is the agreement of the House and it will be acceptable to me. If you decide to have it under 193, let us have it under 193. If you want to discuss it under rule 184 it will be discussed under 184... (*Interruptions*)... That is why three meetings were organised. That is why we had a long discussion. Moreover, I would say that these are the very important issues and everybody wants to discuss the important issues involved in it: My suggestion to the leaders of all the parties and Members in the House is that let us start this discussion and when the discussion is going on, you can put your heads together and if in anyway you come to the conclusion that it has to be done in one way or the other we will do it, otherwise the discussion will be under rule 193.

[*Translation*]

SHRI NITISH KUMAR: Mr. Speaker, Sir, you may adjourn the House for lunch now and in the mean time discuss the matter with the Government. You may call the hon. Minister in your Chamber. The entire matter will be settled.

MR. SPEAKER: I am not to discuss the matter. You may do so. I am going to give the ruling.

SHRI NITISH KUMAR: At present you should not give any official ruling. In the meantime you should discuss the matter with the Government.

[*English*]

SHRI SOMNATH CHATTERJEE: I think that this motion be taken up under rule 184. Let it be voted.

SHRI UMRAO SINGH (Jalandhar):
That is already ruled out.

SHRI SOMNATH CHATTERJEE:
No, not yet ruled out... (*Interruptions*)...
You need not give your final opinion.

MR. SPEAKER: Let us be fair. If the matter has to be discussed under rule 184 you would expect to inform all your Members. We cannot take you by a surprise. If it has to be discussed under rule 193, well there is no voting you can discuss it, but if you want to discuss it under rule 184 I cannot just ask the Government or you to keep all your Members present here.

SHRI SAIFUDDIN CHOUDHURY
(Katwa): Give them time.

[*Translation*]

SHRI NITISH KUMAR: In the mean time you should call the hon. Minister in your Chamber and discuss the matter with him.

MR. SPEAKER: Nitish Kumar ji, you please be a little serious.

(*Interruptions*)

MR. SPEAKER: Now the discussion may please be started. If anything takes place in between then it is all right. Otherwise the discussion would be considered under Rule 193.

[*English*]

The House stands adjourned to meet again at 3.30 p.m.

14.20 hrs.

*The Lok Sabha then adjourned for
Lunch till thirty Minutes past Fifteen
of the Clock*

[*English*]

15.33 hrs.

*The Lok Sabha re-assembled after
lunch at Thirty-Three minutes past
Fifteen of the Clock.*

[*MR. SPEAKER in the Chair*]

**RE: DISCUSSION ON THE
STATEMENT MADE BY THE
MINISTER OF COMMERCE ON
22.4.1994 RE: CONCLUDING
MINISTERIAL MEETING OF THE
URUGUAY ROUND—Contd.**

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE
(Lucknow) Mr. Speaker. Sir, till the House was adjourned for Lunch, there was impasse between the ruling party and the opposition as to under what rule the statement of the hon. Minister should be discussed. It may be discussed under Rule 184 or Rule 193, but we insisted that the discussion should be held exclusively under Rule 184. The House should have an opportunity not only to express its feelings but also to inform the country through division of votes on the stance of various political parties and their members in the House.

Efforts were made in this regard. We had a meeting in your Chamber and tried to convince the Government that they will not have to face any problem if they admitted the proposal for discussion under Rule 184. But we regret to

say that we could not brought it home to the ruling party. We are still firm on our opinion that the discussion should be held under Rule 184, and not under Rule 193. It was also decided that further discussion would be held on it later on. If we are allowed some more time. We would be able to persuade the ruling party and if it is willing to convince us we are still open minded. But what we want is that this issue should be decided in the light of what we have stated at the very outset in this regard. If the Government has a well thought intention to postpone the division in the House, it will be able to postpone it for good. For example, if a Cut Motion is introduced to emphasize it's postponement and we adhere to our demand for division of votes, can it be postponed in that case? However, we will try to understand the stance of the ruling party in this regard.

I, therefore, request that with the consensus of the House this discussion may be postponed at present. We should be provided more opportunity for discussion so that we may win the favour of the ruling party.

SHRI NITISH KUMAR (Barh): While adjourning the House for the recess you had given the ruling that it will be discussed under Rule 193. At that time you ought to have relaxed the rule in this regard.

SHRI SHARAD YADAV (Madhepura): Mr. Speaker, Sir, we are firm in the support of Rule 184. The discussion should be held exclusively under Rule 184. Prior to the adjournment of the House for the recess you gave the ruling that it will be discussed under Rule 193. But it is not clear to the people whether you said in the affirmative or in the negative. Therefore, there is still a

deadlock on that issue as nothing was stated on your part and you did not give any ruling. Let us be assured with certainty in this regard.

SHRI NITISH KUMAR: More time may be sought to make the ruling party understand but the discussion should be held exclusively under Rule 184. (*Interruptions*)

[*English*]

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, so far as I have been able to understand you did not give your final decision before the House was adjourned for the recess. Now, certainly I hope the Government also keeps an open mind so that there can be some utility in this discussion.

Sir, I am prepared to request my Party Member, Prof. Malini Bhattacharya, not to move it and it can be postponed until we can have discussions to find out whether there is any change of mind of the Government. (*Interruptions*)

MR. SPEAKER: Shri Bansal, do you want to say anything?

SHRI PAWAN KUMAR BANSAL (Chandigarh): Nothing. (*Interruptions*)

MR. SPEAKER: If it has to be put off, the Railway Minister should be in the House.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Sir, I welcome the suggestion given by the Leader of the Opposition. We will certainly explore the ways and means of trying to bring divergent viewpoints together and

[Shri Vidyacharan Shukla]

find out a way in which we can have a thinking which will be in the best and long term interests of the country.

The discussion on this particular subject was demanded by the Opposition. We had taken the position that no discussion was necessary in fact. But because the Opposition wanted, we agreed. But they are now saying for postponement so that we all can have an opportunity of discussing the matter further with each other. We will also take your help. Sir, you have been very kind enough to lend your good office in trying to reconcile the different points of view in this matter. I have no objection in postponing this discussion which has been admitted under Rule 193. We can take it up and fix up a time later on at the appropriate time after the discussions and we have all agreed on the date and time on which this is to be taken up. Therefore, as far as the Government is concerned we have no problem. (*Interruptions*)

[*Translation*]

SHRI NITISH KUMAR: He is confusing the stance taken by Shri Atalji, Shri Somnathji and Shri Yadavji. He is saying that the discussion should be held exclusively under Rule 193 and postpone it for some days. I think it is not proper.

SHRI VIDYACHARAN SHUKLA: I would like to bring my point home to you in Hindi. I have never told that the discussion will be held exclusively under Rule 193. You had raised this issue under Rule 193 and suggested to postpone it for the time being and take up other issues. We should try to sink

our differences on other issues and try to put forth our opinions so that this can be decided properly. We will make efforts for this purpose. It all depends upon you whether it can be done so or not. We are ready for it. You may not discuss it now and take it up and fix up a time later on. In the mean time you should sit together and settle it. I would like to urge upon the hon. Speaker to assist us so that we may settle this issue. This is an issue of international importance and far-reaching consequences. I do not consider it as a matter of your concern only. It is not a partisan issue. It is an issue of national interest. We should take some more time in this regard and sit together and settle it later on, so that we may not have to face any difficulty at national and international level in the years to come. I agree to what Shri Vajpayee has stated. We would convene a meeting of the Business Advisory Committee or that of leaders and fix another date. (*Interruptions*)

SHRI NITISH KUMAR: It is a collective responsibility. There is no problem... (*Interruptions*)

SHRI SOMNATH CHATTERJEE: What become of the M.P.C.C.? Please break your silence by stating something on this issue.

[*English*]

MR. SPEAKER: Does the Commerce Minister want to say something?

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERJEE): If the House has decided I have no problem. I will go by as the House has decided.

MR. SPEAKER: I expected a longer speech from you.

(Interruptions)

[Translation]

SHRI NITISH KUMAR: The hon. Minister of Railway is not present here and the next item of business is to be taken up and I was called in therefor. I express my thanks for it. We want to make the position quite clear. Shri Vidyacharan Shukla alone is responsible for this deadlock. Even today he should have announced in this august House that discussion may be held under Rule 184 and it can immediately commence then and there. But he is not prepared for it. The Opposition has also clarified its intention that the discussion should be held exclusively under Rule 184 and that it would like to get its opinion recorded. We will not debate here for the sake of debate only. We want to make it clear even today. While taking a decision you should keep in mind this thing that your ruling will influence the ruling party as well because people will have to think over it.

MR. SPEAKER: You are more influential than me.

[English]

SHRI VIDYACHARAN SHUKLA: Sir, after this discussion is postponed. I would request you to take up the next item.

MR. SPEAKER: But where is the Railway Minister?

SHRI VIDYACHARAN SHUKLA: I will represent the Railway Minister till he

arrives here. I think he is on his way from Rail Bhavan,

[Translation]

MR. SPEAKER: I feel, whenever we hold any discussion here, we do so fore-sightedly and keeping in view the interest of the country. This suggestion has come here in that manner from both the sides and whenever both the sides offer their suggestions, the task of the Speaker becomes easy. Accordingly I would like to postpone this issue now and after fixing a suitable date we would discuss it. In the mean time all of you must sit together and discuss it. I had already stated it in my ruling that if any suggestion is sent from both the sides and they express their willingness to work accordingly, it can be enacted so. And if it is not so then I will have to conduct the Business of this House in accordance with the rules. I had stated only this much. It seems to me that it will not create any problem for you provided you reach an agreement among yourselves. Therefore, if any agreement is reached at, then I will not have to give any ruling. But once a decision is taken that the discussion will be held on a certain issue then proposed discussion must be held. It should not be a one sided discussion and a discussion for the sake of discussion only. I realize that the required time should be provided for expressing their views and it should not be curtailed. Voting does matter but it can be held in different manners as suggested by Shri Atal Bihari Vajpayee and probably by Shri Nitish ji also. Now it is up to you to decide the mode of voting.

I hereby, postpone it.

Mr. Minister of Railways, you have arrived before the prescribed time. I,

[Shri Vidyacharan Shukla]

therefore, request you to include this also in the discussion.

15.48 hrs.

RESOLUTION RE: APPROVAL
OF THE RECOMMENDATIONS
MADE IN THE FIFTH REPORT
OF RAILWAY CONVENTION
COMMITTEE;

DEMANDS FOR GRANTS
(RAILWAYS), 1994-95

AND

DEMANDS FOR EXCESS
GRANTS (RAILWAYS), 1990-91

[English]

MR. SPEAKER: The House will now take up combined discussion on the following items for which three hours have been allotted:—

- (i) Discussion on the Resolution regarding recommendations of Railway Convention Committee;
- (ii) Discussion and Voting on Demands for Grants (Railways) for 1994-95; and
- (iii) Discussion and Voting on Demands for Excess Grants (Railways) for 1990-91.

We are taking up this discussion a little before time. Probably you were

told that you may not be required to come today. But now we have asked you to come here. You have to move the Resolution now.

THE MINISTER OF RAILWAYS
(SHRI C.K. JAFFER SHARIEF): Sir, I beg to move:

"That this House approves the recommendations made in paragraphs 27, 28, 29, 30, 31 and 34 contained in the Fifth Report of Railway Convention Committee, 1991, appointed to review the rate of dividend payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance and other General Finance, which was presented to Lok Sabha on the 23rd February, 1994."

MR. SPEAKER: Resolution moved:

"That this House approves the recommendations made in paragraphs 27, 28, 29, 30, 31 and 34 contained in the Fifth Report of Railway Convention Committee, 1991, appointed to review the rate of dividend payable by the Railway Undertaking to General Revenues as well as other ancillary matters in connection with the Railway Finance and other General Finance, which was presented to Lok Sabha on the 23rd February, 1994."

Hon. Members present in the House, whose cut motions to the Demands for Grants (Railways) for 1994-95 have been circulated, may, if they desire to move their cut motions, send slips to the Table within 15 minutes indicating the serial numbers of the cut motions they would like to move. Those