

RE. NEED FOR DISCUSSION ON THE REPORT OF THE TENTH FINANCE COMMISSION

SHRI SANATAN BISI (Orissa): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity. I rise to draw the attention of the House to a very serious matter. I would also draw the attention of the Ministers who are present here. It is a matter which concerns them also, in relation to their State.

Sir, this relates to the report of the Tenth Finance Commission. So far as this report is concerned, I oppose it. It is a very deplorable state of affairs. Firstly, it is unconstitutional. It is against the Constitution. Secondly, the Government has bypassed the conventions of this House. Thirdly, in the context of the relations between the Centre and the States, it has been done abruptly. Injustice has been done to the States. Fourthly, I would say that there are contradictions in this report.

Why do I say that it is in violation of the Constitutional provisions? Sir, article 281 of the Constitution says: "The President shall cause every recommendation made by the Finance Commission under the provisions of this Constitution together with an explanatory memorandum as to the action taken thereon to be laid before each House of Parliament". In terms of the Constitutional provisions, the hon. President appointed the Tenth Finance Commission. The Commission submitted its report to the Government. It was laid on the Table of both the Houses on 14th March, 1995. Though the report of the Commission was laid on the Table of both the Houses, as per the Constitutional provisions, unfortunately, it was not discussed by both the Houses. Therefore, I oppose it because it is in violation of the Constitutional provisions.

After the report has been laid, as per the provision, until and unless the report is discussed by Members in both the

Houses, at length, it cannot be said that the report has been accepted. In view of this, it is only an executive instruction.

The hon. Finance Minister, Dr. Manmohan Singh, said the other day that the report had been accepted. It is surprising that when the matter has not been discussed at length, how can one say that the report has been accepted? I would say that the conventions of the House have been bypassed. In this connection, I would like to mention here that, in an earlier instance, the report of the Eighth Finance Commission was placed before the House on 24th July, 1984. It was discussed at length. Members participated in the discussion and then only it was accepted. Therefore, so far as the report of the Tenth Finance Commission is concerned, there has been a violation of the conventions. The report of the Eighth Finance Commission was discussed by Parliament and then only it was accepted. On the other hand, the report of the Tenth Finance Commission was only laid.

The other day, during the discussion on the Union Duties of Excise (Distribution) Amendment Bill, and the Additional Duties of Excise (Goods of Special Importance) Amendment Bill, questions were raised relating to the report of the Tenth Finance Commission. During that discussion, the Members who participated in the debate pointed out about the injustice which had been done to the States.

Furthermore, I would like to point out that in terms of the provisions contained in these two Acts, the net proceeds shall be distributed to the States. On the contrary, the Tenth Finance Commission without any authority, had said that the population in a State would be taken into consideration; they had said that the backwardness in a State would be taken into consideration. But this is not in consonance with the provisions contained in these two Acts.

Sir, I would submit that the report of the Tenth Finance Commission is unwarranted. Since it has not been discussed in Parliament and accepted by us, since it has only been laid, we should have an opportunity to discuss the report at length. Then only we would be able to do justice to the problems of the States. Thank you, Sir.

THE VICE-CHAIRMAN (DR. BIPLAB DASGUPTA): I find that there are nine names listed here for association. Out of these nine, I find that eight are missing and one is incapacitated because he is holding the Chair now, which means I associate myself from the Chair.

SHRI SANGH PRIYA GAUTAM: Sir, except your goodself, none of the other Members is present here.

THE VICE-CHAIRMAN (DR. BIPLAB DASGUPTA): Now we move on to Special Mentions.

SHRI RAGHAVJI (Madhya Pradesh): Sir, I associate myself with what Mr. Bisi has said.

श्री भूपेन्द्र सिंह मान: उपसभाध्यक्ष महोदय आज सुबह चेयरमैन साहब से मैंने अनुरोध किया था ज़ोर-आवर में मेशन करने के लिए। (व्यवधान) किसानों की हत्या हुई है हरियाणा में, गोली चली है (व्यवधान) राम गोपाल यादव जी के बाद मेरा नम्बर था, पता नहीं कैसे चला गया (व्यवधान)

THE VICE-CHAIRMAN (DR. BIPLAB DASGUPTA): We cannot do anything about it. I am sorry, whatever you have discussed with the Chairman is not recorded here in front of me. I would be only guided by whatever is there in front of me. Now we are taking up the Special Mentions.

श्री भूपेन्द्र सिंह मान: मुझे राम गोपाल यादव जी के बाद बोलना था पता नहीं कैसे आगे चला गया (व्यवधान) इतना सीरियस मसला है, गोली चली है, कि सारे मोरे गये हैं, उसके बारे में उठाने नहीं दिया जाता है (व्यवधान)

THE VICE-CHAIRMAN (DR. BIPLAB DASGUPTA): I am sorry, you should sort it out with the Chairman. The Chairman is not here. ..(Interruptions).. Please sit down.

श्री भूपेन्द्र सिंह मान: कल क्या, परसों क्या, बात करने नहीं दी जा रही है। (व्यवधान) इतने इश्यु होते हैं आगे आगे डाल दिये जाते हैं। (व्यवधान) मैं प्रोटेस्ट में वाक-आउट करता हूँ। (व्यवधान)

(इस समय माननीय सदस्य सदन से बाहर चले गये)

THE VICE-CHAIRMAN (DR. BIPLAB DASGUPTA): Mr. John Fernandes, please.

SPECIAL MENTIONS — Contd.

Need to create full fledged office of the Income tax Commissioner for Goa

SHRI JOHN F. FERNANDES (Goa): Sir, I want to raise a demand for a full-fledged Income Tax Commissionerate for Goa.

Prior to the statehood of Goa in 1987, Goa had the arrangement of having an Assistant Income Tax Commissioner, the headquarters being stationed in Bangalore and the sub-office being stationed in Belgaum. Soon after the statehood of Goa in 1987, I raised the matter in this House, that we should have an independent Collector of Customs and Central Excise — which was run from Bombay — and also that a Commissionerate of Income Tax should be based in Goa. I am glad to say that the Customs Department has started a full-fledged Collectorate in Goa with an office of Collector, but the arrangement for Income Tax Officers is the same.

Sir, it becomes a matter of adjudication for us. For any small matter, the people of Goa are harassed, and they have to go, for adjudication, to Belgaum and, in turn, to Bangalore. I think it would be proper for us to have a full-fledged Commissionerate in Goa, after Goa becoming a State. We have enough