

MR. DEPUTY CHAIRMAN: We are going to take up the matter. Please wait for a few minutes. In ten minutes we will take it up.

**Notification of the Ministry of Finance
(Department of Revenue)**

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY): Sir, I beg to lay on the Table a copy (in English and Hindi) of the Ministry of Finance (Department of Revenue) Notification G.S.R. No. 604(E), dated the 10th August, 1984 restoring concessional rate of duty of 5 per cent *ad valorem* on vegetable products during the period 1st May to 31st May 1984 together with an explanatory Memorandum thereon. [Placed in Library. See No. LT-8631/84.]

SHRI JASWANT SINGH (Rajasthan): I am on a point of order relating to the Papers to be laid on the Table. I have given notice of that point of order. My objection is to Serial No. 1 and Serial No. 3...

MR. DEPUTY CHAIRMAN: First about No. 1...

THE LEADER OF THE HOUSE (SHRI PRANAB KUMAR MUKHERJEE): We have not yet come to Serial No. 3. No. 3 has not yet been laid on the Table.

SHRI JASWANT SINGH: All right, as the Leader of the House has corrected me by suggesting that Serial No. 3 has not yet come, my objection is to Serial No. 1 now. I refer to Rules 64 and 65 and articles 119 of the Constitution. There is a change being made in the *ad-valorem* duty after both the Houses have considered it. It is in violation of the Constitutional spirit and also to the functioning of the Parliament. It has a very direct and close bearing on the kind of attitude the ruling party has demonstrated just now on an interruption made by one of the Members this side.... (Interruptions)

SHRI SYED SIBTEY RAZI (Uttar Pradesh): He is trying to take shelter under a point of order.... (Interruptions).

SHRIMATI MONIKA DAS (Karnataka): I have a point of order.... (Interruptions).

MR. DEPUTY CHAIRMAN: Please sit down.... (Interruptions).

SHRI SYED SIBTEY RAZI: These are mischievous allegations. We cannot tolerate them.... (Interruptions)

SHRIMATI MONIKA DAS: On a point of order.

MR. DEPUTY CHAIRMAN: Please sit down.

SHRI VISHVAJIT PRITHVIJIT SINGH (Maharashtra): One interjection, please -----

MR. DEPUTY CHAIRMAN: You will have a full day for interjections.... (Interruptions). Mr. Jaswant Singh may continue.

SHRI JASWANT SINGH: I am specifically on serial No. 1. I am not yet coming to serial No. 3 because my point of order on serial No. 3 will be raised when the Hon'ble Minister will attempt to lay the papers against that item. Paper against item No. 1 seeks to change the duty concession which has got financial implication and it concerns parliamentary effectiveness and in this connection attention to Rules 64 and 65 and article 119 of the Constitution is invited.

SHRI PRANAB KUMAR MUKHERJEE: The Hon'ble Member has made a mountain out of a molehill. What I have done is that I am giving duty concession. I am not increasing it. He has not understood the implication of this Notification. This question was discussed on the floor of the Lok Sabha and I expressed my regret. I was asked who was responsible for it. I said the Constitutional responsibility is with me.

The position is that the vanaspati industry, whatever may be the duty, is not to pay more than 5 per cent. This has been going on practically from the early sixties. There were a large number of items—16 or 17. They were taken out. This year, after the passage of the Finance Bill, when the notification was being issued, certain other items belonging to that classification were taken from the normal classification and put Under item No. 68 and inadvertently the whole notification was rescinded. That happened on 11.5.1984. The implication of that rescinded notification is that Vanaspati industry is to pay more than 5 per cent excise duty. Immediately we rescinded it from 1.6.1984 and that notification was issued. Now what happens between 11th May and 1st June? There was no exemption notification prevailing. So, as per rules on excise duty I am giving relief and that in the form of revalidation notification is now being laid on the Table of the House. You would have seen that after presentation of the Finance Bill a large number of Notifications are laid on the Table of the House. And, Sir, it is presumed, since it is a question of functioning constitutionally, that those are approved. Those are taken to be approved because I place them on the Table of the House at 6-30 or 7-00 in the evening and from the next day morning it becomes operative. Technically you may say that I have not read it or I have not discussed it. But this has been the convention because it becomes operative from the next morning and there we take the power up to the maximum extent to which I can go and even that power is always the administrative power to reduce it or to adjust it and there is no impropriety, Constitutional or otherwise, and there is nothing against either the letter of the Constitution or the spirit of the Constitution.

MR. DEPUTY CHAIRMAN: I think he has explained the point. Yes, now the Papers to be laid on the Table.

1044 RS—7.

The Coffee (Amendment) Rules, 1984.

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND IN THE DEPARTMENT OF SUPPLY (SHRI NIHAR RANJAN LASKAR): Sir, I beg to lay on the Table under sub-section (3) of section 48 of the Coffee Act, 1942, a copy (in English and Hindi) of the Ministry of Commerce Notification S.O. No. 436(E), dated the 8th June, 1984, publishing the Coffee (Amendment) Rules, 1984. [Placed in Library. See No. LT-8664/84.]

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI KALP NATH RAI): Sir.....

SHRI JASWANT SINGH: Sir, I have a point of order.

MR. DEPUTY CHAIRMAN: Just a minute, Mr. Kalp Nath Rai. Yes, Mr. Jaswant Singh.

SHRI JASWANT SINGH: Sir, my point of order relates to Item No. 3. Preparatory to this, I sought certain information from the Research Section. Sir, the whole question of assurances in this House—the process of asking questions in Parliament of obtaining replies to questions and getting such questions as are not answered, fulfilled within a specified period of time—has a very close bearing on the very functioning and effectiveness of Parliament. From the Research Section, here is a piece of information to read out which I seek your indulgence.

MR. DEPUTY CHAIRMAN: May I point out one thing? This matter is being looked into by the Committee on Government Assurances and that Committee examines the officers to find out why an assurance has not been fulfilled why there has been delay, what the reasons are for the delay, etc. and the Committee grants