

**SUPPLEMENTARY DEMANDS FOR
GRANTS FOR EXPENDITURE OF
THE GOVERNMENT OF KERALA FOR
THE YEAR 1981-82**

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Supplementary Demands for Grants. Yes, Mr. Finance Minister.

SHRI M. KALYANASUNDARAM (Tamil Nadu) : Sir, I am on a point of order.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Do you want to raise it before the Supplementary Demands are presented? All right.

SHRI M. KALYANASUNDARAM: Sir, the proclamation was issued on the 21st October. The House is in session for the last three weeks now. The proclamation is yet to be approved by both Houses of Parliament. It is not yet approved. We have an anomalous situation—that is, the Assembly of Kerala is also existing; it has not been dissolved. The powers of that Assembly have to be exercised by Parliament. What will happen to that Assembly suppose a Ministry is formed later? Four more days are there for the expiry of that proclamation and I am, sure, with the majority that they have in both Houses of Parliament, they will get the proclamation approved. The way in which they are attempting to delay the discussion in this House on that proclamation gives us room to believe that the Government wants to avoid a discussion in this House, or postpone it to as late as possible in order to...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): What is your point of order? I would like to understand that. Is it your point of order that because the proclamation has not been placed therefore it cannot be...

SHRI M. KALYANASUNDARAM: No, no, the delay in coming forward for the approval of the proclamation is politically motivated.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): No, no, the point of order has got to be specific. I Can understand if your point of order is that presenting Supplementary Demands for Grants before the presentation of the proclamation is out of order.

SHRI M. KALYANASUNDARAM: Before its approval. I am not a constitutional expert. The Constitution may approve it....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You have raised a point of order. I must understand it. You can ask one of your friends on the other side. Mr. Sezhiyan is there. He can help.

SHRI M. KALYANASUNDARAM: Kindly allow me to have my say. I can raise a point of order.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Put I cannot allow a discussion on this question. You please confine your point of order to the point....

SHRI M. KALYANASUNDARAM: But let me formulate it.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): A point of order has got to be formulated

SHRI M. KALYANASUNDARAM: But I have to preface it and then come to the point of order. The point of order is whether it is in order to give sanction for the Supplementary Grants without the approval of the proclamation by the House when the Assembly is also kept in suspended animation. Suppose, a Government is formed. What will happen? The powers of that Assembly and that Government are being deprived. It is their prerogative. Are we not depriving them of that prerogative of passing the Supplementary Grants? So I am raising this point of order.

THE VICE CHAIRMAN (DR. RAFIQ ZAKARIA): I want to understand Your point of order is—(a) that the

[Dr. Rafiq Zakaria]

Supplementary Demands should not be presented before the House has had the opportunity to approve the proclamation; and (b) that even after the proclamation is approved, the presentation of these Supplementary Grants would not be right because the Assembly is only in suspension and it may be called at any time and therefore the passing of these Demands would become binding on the Assembly if it is convened. Is that right?

SHRI M. KALYANASUNDARAM: Yes.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Yes, the Minister.

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI MAGANBHAI BAROT): With due respect to the hon. Member, it is only that we are putting the Supplementary Demands for Grants before the House, the reason being that the State immediately requires these for running its own administration. The proclamation has to be approved in a given time by the House; and that time has not lapsed. But as the Assembly is not in a position to meet and pass the Supplementary Grants, the powers are with Parliament to pass the financial demands and the Supplementary Grants. Therefore, to facilitate the functioning of the administration of the State Government. ..

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): What about the point that before the proclamation has been approved ____ (Interruptions) Just a minute,

SHRI K. K. MADHAVAN (Kerala): I want a clarification.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Just a minute.

SHRI MAGANBHAI BAROT: The Proclamation has to be approved by the House but it is not a condition that such a demand cannot be brought before the Proclamation is approved by the House.

SHRI M. KALYANASUNDARAM: Where is approval of the Proclamation? (Interruptions) . . . Three weeks have passed.

SHRI MAGANBHAI BAROT: Approval of the Proclamation can come within the time given under the Constitution.

SHRI M. KALYANASUNDARAM: Why are you treating this House so lightly? (Interruptions)

SHRI K. K. MADHAVAN: Sir, even the spokesman of the ruling party in Kerala—their counterparts—has declared, no less a person than the former Deader of Opposition, Mr. Karunakaran, has declared that they are meeting tomorrow at Cochin or Trivandrum in Kerala to take a final decision regarding the formation of another Government. In that case, what is the justification for bringing this measure at this point of time here in this House?

SHRI PATTIAM RAJAN (Kerala) : The Union Communications Minister, who also belongs to Kerala, has made a public statement that a new Ministry in Kerala will be formed before the end of this year. If it is so, why this Minister comes forward with these Supplementary Demands I cannot understand.

SHRI DIPEN GHOSH (West Bengal): So far as this House is concerned, the Proclamation has not yet been approved.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You are making the same point. Don't repeat a point that has been made already. Mr. Kalyanasundaram has made that point already.

SHRI MAGANBHAI BAROT: Ar-ticle 356 provides:

"If the President, on receipt of a report from the Governor of a state or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the

provisions of this Constitution, the President may by Proclamation—. . ."

Then all those things are there. In this case the Government, which was the ruling party, could not rule and the Government there had resigned and, according to the decision of the President, such a situation has arisen there and the Demand for Grants has to be passed before the Assembly there could meet and, therefore, the powers to pass a Budget or Supplementary Grants of any State being within the powers of Parliament we have brought these Supplementary Grants before this House because at the moment the Assembly of Kerala is not meeting and is not in a position to pass these Supplementary Demands. Otherwise the administration of the State of Kerala would be in a standstill and would run into difficulties.

(Interruptions)

SHRI M. KALYANASUNDARAM: Kindly go through sub-clause (b) of article 356.

SHRI MAGANBHAI BAROT: About Proclamation. Sir, please permit me to answer it. Be pleased to read the second part of it;

"(2) Any such Proclamation may be revoked or varied by a subsequent proclamation.

(3) Every Proclamation under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament:"

Now two months have not passed and, therefore, the question does not arise of the Proclamation not having been approved.

SHRI PATTIAM RAJAN; Supposing this House does not approve the Proclamation?

SHRI MAGANBHAI BAROT: No suppositions. The question is, so long as the Proclamation is existing there it is presumed to be legal, Constitutional and valid.

(Interruptions)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I am afraid we had enough discussion.

SHRI K. K. MADHAVAN: Sir, Sir,...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You have had your opportunity. I can't go on giving you opportunities.

SHRI K. K. MADHAVAN: I am questioning the authenticity of what has been stated. We are questioning the justification for the Proclamation itself. That is one point. And the other point is, tomorrow they are sitting there to decide about the formation of a Ministry and today the Government is coming forward with a Demand for Supplementary Grants.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): We have had enough discussion on this point.

SHRI M. KALYANASUNDARAM: Kindly ask the Minister to explain why the Government has taken three weeks' time to come forward for the approval of the Proclamation. Is there not a political game behind it?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): We have had enough discussion on this point of order raised by Mr. Kalyanasundaram and the constitutional position, to my mind, seems to be clear. It is provided under article 356 that as soon as the President promulgates the Proclamation, power is assumed by the Central Government of all the functions of the State Government. That position stands as far as the Constitution is concerned, unless within a period of two months that proclamation is not approved by Parliament.

SHRI M. KALYANASUNDARAM: Please read sub-clause (b).

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Yes, I have read the sub-clause.

Now the other point that talks are going on about the formation of an alternate Ministry and that it may be a matter of days and, therefore, the Minister should not at this stage come forward with Supplementary Demands I think, is also not relevant as far as the consideration of this point is concerned because, so far as the present position is concerned, the powers are enjoyed by Parliament and it is in the enjoyment of the powers that these Supplementary Demands are being presented. Tomorrow, if the State Legislature is convinced, it would be within the competence of the State Legislature to alter, amend or modify these Demands if it wants to. There is nothing to prevent the State Legislature from doing what it thinks best as far as these Demands are concerned. So there is no question that once these Demands are passed here, the State Legislature, if it would not like some of these Demands, cannot disapprove of them. Therefore, I do not think there is any substance in the point of order raised by Mr. Kalyanasundaram and I would, therefore, ask the Minister to present the Supplementary Demands.

SHRI MAGANBHAI BAROT: Sir, I beg to lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants for Expenditure of the Government of Kerala for the year 1981-82 (December, 1981).

THE RAMPUR RAZA LIBRARY (AMENDMENT) BILL, 1980

THE DEPUTY MINISTER IN THE MINISTRIES OF RAILWAYS, EDUCATION AND SOCIAL WELFARE AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN): Sir, the Rampur

Raza Library (Amendment) Bill, 1979, as introduced in the Rajya Sabha on 28-3-79, was passed by this august House on 20th November, 1980. This Bill has also been passed by the Lok Sabha on 30-11-81 with the following amendments:

"Enacting Formula

1. That at page 1, line 1, for 'Thirty-first' substitute "Thirty-second"

Clause 1

2. That at page 1, line 4, for '1980' substitute '1981'."

I, therefore, now move:

"That the following amendments made by the Lok Sabha in the Rampur Raza Library (amendment) Bill, 1980, be taken into consideration, namely: —

'Enacting Formula

1. That at page 1, line 1, for 'Thirty First', substitute 'Thirty-second'.

Clause 1

2. That at page 1, line 4, for "1980" substitute "1981".

The question was proposed.

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THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I am now putting the amendments to vote. The question is:

"That the following amendments made by the Lok Sabha in the Rampur Raza Library (Amendment) Bill, 1980, be taken into consideration, namely: —

'Enacting Formula

1. That at page 1, line 1, for "Thirty-first" substitute "Thirty-second".

Clause 1

2. That at page 1, line 4, for "1980" substitute "1981".

The motion was adopted.