

Clause 1 – Short Title and Commencement

SHRI ARUN JAITLEY: Sir, I move:

(2) That at page 1, line 2, *for* the figure "2014", the figure "2015" be *substituted*.

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

MR. DEPUTY CHAIRMAN: In the Enacting Formula, there is one amendment (No.1) by Shri Arun Jaitley.

THE ENACTING FORMULA

SHRI ARUN JAITLEY: Sir, I move:

(1) That at page 1, line 1, *for* the word "Sixty-fifth", the word "Sixty-sixth" be *substituted*.

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI ARUN JAITLEY: Sir, I move that the Bill, as amended, be passed.

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The House is adjourned for thirty minutes for lunch.

*The House then adjourned for lunch at thirty-nine minutes
past one of the clock.*

*The House re-assembled after lunch at
nine minutes past two of the clock,*

MR. DEPUTY CHAIRMAN *in the Chair.*

**RE. AN ISSUE RAISED ABOUT CERTIFICATION OF A BILL AS A
MONEY BILL BY THE SPEAKER OF LOK SABHA**

श्री नरेश अग्रवाल (उत्तर प्रदेश) : उपसभापति जी, मेरा एक पॉइंट ऑफ ऑर्डर है। श्रीमन्, यह बिल जो एक मनी बिल के रूप में लाया जा रहा है, संविधान के आर्टिकल 109 के तहत स्पीकर साहब को पावर दी गयी है कि वह किसी भी बिल को मनी बिल declare कर सकते हैं। यह पावर शायद यह समझ कर दी गयी होगी कि मनी बिल वाक्यी में मनी बिल रहेंगे। उसके बाद स्थिति निर्मित होती है कि अगर स्पीकर किसी बिल को मनी बिल declare कर दें, तो फिर इस हाउस की कोई पावर ही नहीं रह जाती! अगर हम उस बिल को न मानें, उस बिल का

[श्री नरेश अग्रवाल]

विरोध करें, तो भी 14 दिन बाद वह एक्ट अपने आप लागू हो जाएगा। दोनों सदन अलग-अलग सर्वोच्च हैं। हम नहीं चाहते कि दोनों सदनों में कहीं टकराव हो। मैं नहीं मानता कि स्पीकर साहिबा की कोई ऐसी मंशा रही होगी कि वे इस सदन, जो उच्च सदन है, इसके अधिकारों में कहीं कटौती करें।

श्रीमन्, आप संविधान में आगे देख लीजिए कि कौन-कौन से बिल वित्त बिल होंगे, उसको भी कहीं न कहीं कैटेगरीज किया गया है। यह उसमें दिया हुआ है। हम जानना चाहते हैं कि अनुच्छेद 109 के अंतर्गत जो भी बिल फाइनेन्स बिल डिक्लेयर हो जाएगा, तो क्या उस बिल पर राज्य सभा को कोई अधिकार होगा या नहीं? जब संविधान निर्माताओं ने राज्य सभा और लोक सभा का गठन किया था, तो पहले राज्य सभा का गठन हुआ, फिर लोक सभा का हुआ और इसमें था कि राज्य सभा कभी भंग नहीं होगी, लोक सभा भंग होगी। इसी कारण उन्होंने राज्य सभा को सर्वोच्च सदन माना। तो यह एक ऐसा प्रश्न है, जिस प्रश्न पर जरूर डिस्कशन होना चाहिए, क्योंकि ऐसे तो सभी बिलों में फाइनेन्स इन्वॉल्व होता है। अगर सभी बिलों को लोक सभा से फाइनेन्स बिल बना दिया गया, तो हम राज्य सभा में क्यों बैठे हैं? राज्य सभा के अधिकार क्या हैं और राज्य सभा के अधिकार किस सीमा तक रहेंगे, इस पर हम आपकी रूलिंग चाहते हैं। ...**(व्यवधान)**...

SHRI SITARAM YECHURY (West Bengal): Sir, we all agree with him.
...(Interruptions)...

SHRI D. RAJA (Tamil Nadu): Sir, we support the point made by him.
...(Interruptions)...

MR. DEPUTY CHAIRMAN: I will allow you. Sit down. I will allow you.
...(Interruptions)... Before discussing it further, I want to make one point here. The Constitution does not provide this House or me, the Chair, to sit on judgement as to whether a Bill is a Money Bill or not. It is entirely for the hon. Speaker of the Lok Sabha to certify whether a Bill is a Money Bill or not. In this case, and on any Bill, that is the position. If the hon. Speaker has certified it to be a Money Bill, I have to take it like that only. That is all. ...**(Interruptions)**... All right. I will allow you.

SHRI SITARAM YECHURY: Sir, I just want to make one point. We fully understand your position.

MR. DEPUTY CHAIRMAN:*. I am sorry; I am sorry! That word is expunged.

SHRI SITARAM YECHURY: No, no. It should not be expunged. It should be there. Otherwise, if you don't say it, I would say it; you are *! In this situation, the Constitution prescribes a certain procedure and that is sacrosanct till we change

* Expunged as ordered by the Chair.

the Constitution; there is no doubt about that. But, Sir, can we not, from the Rajya Sabha, suggest to the hon. Speaker that there should be some criteria for deciding whether a Bill is a Money Bill or not?

MR. DEPUTY CHAIRMAN: No.

SHRI SITARAM YECHURY: Sir, I am making a submission. Please consider it. So far, the general sense and the general understanding has been that a Money Bill is something that withdraws amounts out of the Consolidated Fund of India or that leads to the accrual of some funds into the Consolidated Fund of India. Now, if this criterion is not met — unless we take up the other course of challenging that constitutional provision; that is a separate matter — from this House, can there not be a set of rules framed for that? We frame rules for everything.

MR. DEPUTY CHAIRMAN: It is not binding on the hon. Speaker, even if you frame a rule.

SHRI SITARAM YECHURY: Sir, that could be a suggestion from our House. It is ultimately left to the hon. Speaker; I agree. But there could be a suggestion from this House that there has to be a set of rules for this. You have rules for everything. Why can't you have rules which would suggest which Bills should be considered as Money Bills and which should not be? At least, this appeal from this House must go, irrespective of anything that the hon. Speaker may decide, and which the Constitution provides for. We agree that that is the right of the hon. Speaker of the Lok Sabha and that would remain. But from here an opinion can go, and that is what we are asking you for. You must send an opinion from this House that there should be a set of rules that would define the criteria for any Bill that would fall under the purview of the definition of a 'Money Bill'. It cannot be an indiscriminate right.

MR. DEPUTY CHAIRMAN: Money Bill is defined in Article 110 of the Constitution. Article 110 of the Constitution defines 'Money Bill'.

SHRI SITARAM YECHURY: Sir, I agree. We go by that definition. Then, why this clause in the Constitution again? As I told you, that is a separate matter. We will have to take it up separately. But can we not, on the basis of the definition under article 110, suggest to the hon. Speaker that there should be a set of rules defining this?

MR. DEPUTY CHAIRMAN: Okay.

SHRI DEREK O BRIEN (West Bengal): Sir, I wish to add one point to what my colleagues have said before this, on the liberal interpretation of the term 'Money

[Shri Derek O'Brien]

Bill'. Sir, my suggestion, through you, to the Chairman is that, without questioning the ruling of the Speaker and the powers of the Lok Sabha Speaker, this House itself sets up a Committee which will examine the liberal interpretation of Money Bill by Members of the Rajya Sabha. Through you, Sir, we suggest to the hon. Chairman that such a Committee is constituted in this House at the earliest.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD): Sir, under Article ...(Interruptions)...

SHRI K.N. BALAGOPAL (Kerala): Sir ...(Interruptions)...

MR. DEPUTY CHAIRMAN: After disposing of this, I will allow you.
...(Interruptions)... I have called the Minister. ...(Interruptions)...

SHRI RAVI SHANKAR PRASAD: Sir, without disputing the larger sentiments of senior colleagues, as a Member of this House, I have to state one thing. Article 110 (3) of the Constitution says, "If any question arises..."...(Interruptions)...

SHRI SITARAM YECHURY: Sir, we all know that. ...(Interruptions)...

SHRI RAVI SHANKAR PRASAD: Just give me two minutes' time.
...(Interruptions)... "...whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final." ...(Interruptions)... This is the constitutional provision. ...(Interruptions)...

SHRI SITARAM YECHURY: We know that. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Yechuryji, let him say. ...(Interruptions)... Let him say. ...(Interruptions)...

SHRI RAVI SHANKAR PRASAD: Mr. Deputy Chairman, Sir, my limited submission is that if we want to change this provision, there is a provision in the Constitution how to change it. But the Speaker there and the Chairman here are completely sovereign in respective fields. And the larger question I would like to raise is: Can we in this House ask this House to prepare a guideline as to how the Speaker of the other House should conduct? That is the larger issue. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: I think we cannot. ...(Interruptions)...

SHRI SITARAM YECHURY: This is a very wrong interpretation. All of us are aware of the constitutional provision. We are only saying that we want the hon. Speaker there to decide what are the sets of rules on the basis of which he or she may decide that this is a Money Bill. We are not giving any sermons or anything to anybody else. We all understand the Constitution. Hopefully, we are all literate

even to understand the implications of it. We don't require learned counsels to explain it to us. All that I am saying is, we know the Constitution. Unless there is a Constitution amendment, we know that you cannot say anything or do anything. We know that. All that we are suggesting from here is that the let hon. Speaker of the Lok Sabha define for themselves, let the other House define, what will be the set of rules to declare any legislation to be in the category of a Money Bill. Let them do it. We are not giving them any directions or any sermons.

MR. DEPUTY CHAIRMAN: Can this House give a suggestion to the Lok Sabha? ...(Interruptions)...

SHRI SITARAM YECHURY: Why can't this House give a suggestion? ...(Interruptions)... Sir, my right as a Member of Rajya Sabha is being curtailed; I feel. Therefore, I think, we can give our opinion. ...(Interruptions)... Nobody can stop us from giving our opinions. ...(Interruptions)...

SHRI D. RAJA: Sir, before you give your ruling, listen to me also. I understand your position and don't give a ruling at this point of time; reserve your ruling. As suggested by Mr. Derek, this House can suggest to the Chairman to set up a Committee so that that Committee can go into the issue and redefine the powers of Rajya Sabha so that there is no clash between the two Houses. ...(Interruptions)...

श्री नरेश अग्रवाल: माननीय उपसभापति महोदय, आज जो ब्लैक मनी का बिल आ रहा है, इसे फायनेंस बिल माना गया, क्योंकि इसमें फायनेंस इनवॉल्व है, लेकिन इसमें सिर्फ पैनल्टी के रूप में फायनेंस इनवॉल्व है। आपने कहा है कि यदि फॉरेन में किसी के पास अनडिस्कलोज्ड मनी है और अगर वह within 60 days, डिस्कलोज करेगा, तो उसे 30 परसेंट टैक्स देना पड़ेगा और 30 परसेंट पैनल्टी देनी पड़ेगी। अगर कोई छः महीने के अंदर भी डिस्कलोज नहीं करता है, तो उस पर 100 परसेंट पैनल्टी लगेगी।

श्रीमन्, संविधान के अनुच्छेद 110 का पार्ट-टू देख लीजिए। "A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties.." अब, अगर फाइन के आधार पर इसे मनी बिल मान रहे हैं कि इसमें पैसा इनवॉल्व हो गया ...(व्यवधान)...

श्री उपसभापति : सब-क्लॉज (3) देखिए। उसके बाद सब-क्लॉज(3) में बताया गया है कि if any question arises whether a Bill is a Money Bill or not, the decision of the Speaker shall be final.

श्री नरेश अग्रवाल: सर, मेरा प्रश्न है कि क्या यह हाउस प्रस्ताव नहीं कर सकता? ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I have understood your point. Now, I will do one thing. I am not giving a ...(Interruptions)...

SHRI K. K. RAGESH (Kerala): Sir, a Money Bill is...(Interruptions)...

MR. DEPUTY CHAIRMAN: I will come to that. ...(Interruptions)... I am not giving a...(Interruptions)... Let me finish, please. I am not giving a ruling on this now. ...(Interruptions)...

SHRI K.K. RAGESH: A Money Bill can be...(Interruptions)...

MR. DEPUTY CHAIRMAN: Sit down. I will call you. Let me finish this. I will call you. ...(Interruptions)... On this subject, your leader has spoken. Now, you sit down. ...(Interruptions)... On this subject, your leader has spoken. That is enough. ...(Interruptions)... Mr. Ragesh, on the issue of Money Bill, your leader has spoken. ...(Interruptions)... I am not allowing you.

SHRI JAIRAM RAMESH (Andhra Pradesh): Sir, I just want to make one point. The Constitutional provisions are there. We respect the Constitutional provisions. The role of the Speaker is there. We respect the role of the Speaker. However, Sir, the broader point is the following: that in the last Finance Bill that we just discussed, considered and returned, in five very important pieces of legislations, amendments were made and they were part of the Finance Bill.

MR. DEPUTY CHAIRMAN: That is over now. You talk about this.

SHRI JAIRAM RAMESH: Sir, I am making a point. Please allow me to finish. Regarding depriving Members of a valuable right to scrutinise the legislation, to understand its implications in its totality and come back better informed and in a better position to debate, discuss and pass the legislation, the broader point I want to make is that getting into these technicalities of what is a Money Bill and what is not a Money Bill, there is a larger political point that I am driving at is that, in its wisdom, I request the hon. Leader of the House to please do not deprive other Members of this House the opportunity for looking at these amendments. Ultimately, we will support the position. I have no doubt in my mind that the five Bills that he made part of the Finance Bill and which we agreed to, would have, perhaps, passed in the Monsoon Session.

MR. DEPUTY CHAIRMAN: Now, Shri Sharad Yadav. That is already passed here. Talk about this Bill.

SHRI JAIRAM RAMESH: Therefore, Sir, the same principle applies to the black money legislation also. There has been no opportunity to study the full implications of this legislation, even though all of us are united in fighting the menace of black money. ...(Time bell rings)...

MR. DEPUTY CHAIRMAN: That is okay.

SHRI JAIRAM RAMESH: Now, Sir, if we raise this question, we will be said to be...

MR. DEPUTY CHAIRMAN: That is okay.

SHRI JAIRAM RAMESH: Sir, one minute.

MR. DEPUTY CHAIRMAN: No, I have to take up the other Bill.

SHRI JAIRAM RAMESH: Sir, I rarely speak. Please give me an opportunity.

MR. DEPUTY CHAIRMAN: But you made your point. That is enough.

SHRI JAIRAM RAMESH: Those who raised the question for this legislation, their *bona fides* will be questioned saying that they are against bringing black money back. This is a very important issue. The legislation has made...

MR. DEPUTY CHAIRMAN: Okay; Shri Sharad Yadav. That is okay.

SHRI JAIRAM RAMESH: This is not the first time that such a legislation is ...(Time bell rings)...

MR. DEPUTY CHAIRMAN: That is okay. आप बोलिए। शरद जी, आप बोलिए।

SHRI JAIRAM RAMESH: Sir, you are determined not to allow me to speak.

MR. DEPUTY CHAIRMAN: I have allowed you enough. Now, Sharadji.

SHRI JAIRAM RAMESH: This is very unfair, Sir.

श्री शरद यादव (बिहार) : सर, मेरा इसमें यह निवेदन है कि यह एक दिन की बात नहीं है। स्पीकर का मामला एक दिन का नहीं है, यह उनका अधिकार है कि किसी बिल को उन्होंने मनी बिल कहा है। इस पर हम 68 वर्ष के बाद बहस कर रहे हैं। ठीक बात पर आने के बजाय... यह तो उनका prerogative है, उस prerogative पर बीस तरह की बहस करना और बीस तरह की चीजों को निकालना ठीक नहीं है और न ही सदन को इस पर कोई सुझाव देना चाहिए। इसलिए मेरा आपसे कहना है कि इस पर जो बहस चल रही है, वह निरर्थक है और इसका कोई मतलब नहीं है। यह काम 68 वर्ष से चल रहा है, यह कोई आज से नहीं चल रहा।

श्री सीताराम येचुरी : हम सुझाव तो भेज सकते हैं।

श्री शरद यादव : सुझाव किस बात का भेजेंगे? ...(व्यवधान)...

प्रो. राम गोपाल यादव (उत्तर प्रदेश) : उपसभापति महोदय, मैं सदन के सभी माननीय सदस्यों को आपके माध्यम से यह बताना चाहूंगा कि हमारी जो व्यवस्था है, जो पार्लियामेंटरी सिस्टम है, वह ब्रिटिश मॉडल पर आधारित है तथा पॉलिटिकल साइंस और सोशल स्टडीज के सारे स्टूडेंट्स जानते हैं कि हाउस ऑफ लॉर्ड्स को शुरू में ही ये सारे अधिकार प्राप्त थे। स्वयं उसने अपने indifference की वजह से, अपनी उदासीनता की वजह से, अपनी अटेंडेंस न

[प्रो. राम गोपाल यादव]

आने की वजह से हाउस ऑफ कॉमन्स के हाथ में एक तरीके से अधिकार दे दिए। अगर हम indifferent बने रहेंगे, अपनी बात कहेंगे भी नहीं तो जिस तरह से हाउस ऑफ लॉर्ड्स सैंकेंड चेंबर के बजाय सैंकेंडरी चेंबर बन गया, यह हाउस भी सैंकेंड चेंबर के बजाय सैंकेंडरी चेंबर बन जाएगा। इसलिए हम अपनी बात कह तो सकते ही हैं और अपनी बात को वहां तक पहुंचा सकते हैं क्योंकि हिस्ट्री इस बात को बताती है कि किस तरह से ये चीजें बदली जाती हैं। सर, संविधान में बड़े-बड़े संशोधन हुए हैं।

श्री उपसभापति: संविधान में बदलाव करो। I have no problem. ...*(Interruptions)*...

प्रो. राम गोपाल यादव: सर, मैं संविधान बदलने की बात नहीं कह रहा हूं। मैं यह कह रहा हूं कि इतिहास इस बात का गवाह है कि हाउस ऑफ लॉर्ड्स, जो सर्वशक्तिशाली सदन ब्रिटेन में था, उसके अधिकार इसलिए चले गए क्योंकि वह अपने अधिकारों को धीरे-धीरे छोड़ता चला गया। उसने एक शब्द भी एतराज के रूप में नहीं कहा था, इसलिए हाउस ऑफ कॉमन्स के हाथ में अधिकार चले गए, क्योंकि वित्तीय शक्तियां उसके पास में थीं। अभी कोई कुछ नहीं कह रहा है। ...**(समय की घंटी)**... हम यह नहीं कह रहे हैं कि यह गलत है, लेकिन इतना तो हो कि हर बिल को, आए दिन किसी बिल को, जिसको मनी बिल नहीं होना चाहिए, उसको वहां से मनी बिल सर्टिफाइ करके इसलिए न भेजा जाए कि यह हाउस उसमें इधर-उधर की बात न कर सके।

MR. DEPUTY CHAIRMAN: Now hon. Members... ...*(Interruptions)*...

SHRI K. N. BALAGOPAL: Mr. Deputy Chairman, Sir... ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, No. ...*(Interruptions)*... No discussion on this. ...*(Interruptions)*...

SHRI K. N. BALAGOPAL: Sir, I have given a notice.

MR. DEPUTY CHAIRMAN: Nothing on this. ...*(Interruptions)*...

SHRI K. N. BALAGOPAL: Sir, I am a disciplined Member. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Nothing on this. ...*(Interruptions)*...

SHRI K. N. BALAGOPAL: On this, I gave a notice. ...*(Interruptions)*... I gave a letter.

MR. DEPUTY CHAIRMAN: I am not allowing you on this. ...*(Interruptions)*... I am not allowing you. ...*(Interruptions)*...

SHRI K. N. BALAGOPAL: Sir, I am a disciplined Member. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Your leader has... ...*(Interruptions)*... I cannot allow you. ...*(Interruptions)*... On this, I am not allowing you. ...*(Interruptions)*... Nothing will go on record. ...*(Interruptions)*... Your leader has spoken. What more

you want? ...*(Interruptions)*... No, I am not allowing you on this. ...*(Interruptions)*... No, no. Not on this. This cannot be a discussion like this. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*...

SHRI K. N. BALAGOPAL: Sir, I gave a notice. ...*(Interruptions)*... As per the rules.. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I am not allowing you on this subject. Sit down. ...*(Interruptions)*... No, I am not allowing. ...*(Interruptions)*...

SHRI K. N. BALAGOPAL: I want to know the rule. If I gave a letter objecting to this, as per which Rule... ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Please sit down, I am not allowing you. What are you doing? ...*(Interruptions)*... If everybody wants to speak, how will we take up the Bill? ...*(Interruptions)*...

SHRI SITARAM YECHURY: Sir, he has given a notice. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN (West Bengal): He has given a notice, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: What notice? ...*(Interruptions)*... I do not know. I have not got a notice on this. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: Kindly check it up from your office, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no. You please sit down. This is a point of order raised by Shri Naresh Agrawal. Now, on this point of order... ...*(Interruptions)*... Please sit down. I am on my legs. On this point of order, I have no notice. Apart from that, there is no rule to give a notice on a point of order. Now, even though, I should not have allowed it, I heard hon. Members. Because hon. Members wanted to raise this issue, I allowed it. But I am telling you that the Constitution is very clear that the Speaker is the final arbiter and authority to decide whether a Bill is a Money Bill. However, I can give a ruling on this; I will convey your feelings to the hon. Chairman.

SHRI TAPAN KUMAR SEN: Sir, for conveying the feelings of the hon. Member of the House – as he wrote yesterday itself to the Chairman on this particular issue – you need to hear him.

MR. DEPUTY CHAIRMAN: I will hear him. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: That is what I am asking for. That is what Mr. K. N. Balagopal wanted to place before you. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: But there is a rule for this. ...*(Interruptions)*... Now, Mr. Balagopal, if you have anything other than this subject, you can speak... ...*(Interruptions)*... Not on this subject.

SHRI K.N. BALAGOPAL: Sir, I am not going into the details. Sir, I gave a notice earlier. I am not continuing with that. Already, the leaders have spoken. I am supporting the point. But as has been said, the FEMA Bill is coming up, the black money Bill is coming up. There is a provision in the FEMA Act itself that the black money...

MR. DEPUTY CHAIRMAN: What is this?

SHRI K. N. BALAGOPAL: I gave a detailed letter to the Chairman.

MR. DEPUTY CHAIRMAN: The Chairman will decide. ...*(Interruptions)*... You do not speak about the letter to the Chairman here. ...*(Interruptions)*...

SHRI K. N. BALAGOPAL: I gave a notice. I am not going into that because the Chair is not allowing. I gave a notice. Yesterday, I raised the issue. A detailed note, letter is there with the Chairman.

MR. DEPUTY CHAIRMAN: The Chair will consider that. If there is any other issue, you speak. ...*(Interruptions)*...

SHRI K. N. BALAGOPAL: Sir, in the morning, hon. Chairman, while he was in the Chair, said that the lunch-break will be from 1.00 p.m. to 1.30 p.m. Expecting that lunch will be there from 1.00 p.m. to 1.30 p.m., we went to the Notice Office for giving amendments and all that. While coming back, we got an inference that the discussion was going on. Lunch was announced from 1.00 p.m. to 1.30 p.m. While coming back, we heard that there was a Select Committee motion by the Minister. Naturally, when the discussion on the Companies Bill was going on, in between, such a motion should not have been there. In between, a motion came and, unfortunately, I have to say that there is no representation of Left in the Select Committee on Land Bill. It is against the procedure. It was not informed. Secondly, it is against the announcement that there is no representation from the Left. Actually, yesterday, the names were collected from us also and these are not included. There are two aspects: one is that the lunch-break is changed and another one is regarding the procedure, in between a discussion on Bill, there should not be a motion for selecting people. ...*(Interruptions)*...

श्री शरद यादव : सर, मेरा यह निवेदन है कि यह सम्पूर्ण देश का एक गंभीर मामला है। लेफ्ट के लोगों को ज्वाइंट कमेटी में शामिल न करना, बहुत ही गलत बात है। उनको इसमें जरूर शामिल करना चाहिए। मैं सरकार से कहूंगा कि जब आम सहमति से यह काम करना चाहते हैं, तो इसमें रास्ता भी निकालना चाहिए। ...*(व्यवधान)*...

श्री सीताराम येचुरी : नाम भी लिया है, नाम भी लिया है। ...*(व्यवधान)*...

श्री नरेश अग्रवाल: लोक सभा में इनक्लूड है। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Mr. Minister, please. ...*(Interruptions)*...

अल्पसंख्यक कार्य मंत्रालय में राज्य मंत्री; संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री मुख्तार अब्बास नकवी) : सर, जितनी भी पॉलिटिकल पार्टियाँ हैं, उनके लिए ज्वाइंट सेलेक्ट कमेटी है। उसमें 20 मेम्बर्स लोक सभा से हैं और 10 मेम्बर्स राज्य सभा से हैं। उसमें लेफ्ट पार्टी के सलीम साहब लोक सभा से सदस्य हैं तथा AIDMK से भी जो उनके लोक सभा से मेम्बर हैं, वे सदस्य हैं। इसलिए सभी पॉलिटिकल पार्टियों को इसमें इनक्लूड किया गया है, क्योंकि यह ज्वाइंट सेलेक्ट कमेटी है। इससे पहले इस हाउस की जब भी सेलेक्ट कमेटी बनी है, तो उसमें सभी पार्टियों को representation मिला है और कभी भी कोई भेदभाव नहीं हुआ है। जब भी ज्वाइंट सेलेक्ट कमेटी बनती है, तो दोनों हाउसेज के सदस्यों को उसमें रखा जाता है।

SHRI SITARAM YECHURY: Sir, I have got a point. It is not a question of what he said that, firstly, does this Government and you also as the Chair, recognise that Rajya Sabha is Rajya Sabha and Lok Sabha is Lok Sabha.

MR. DEPUTY CHAIRMAN: Yes. I agree.

SHRI SITARAM YECHURY: Do you recognise?

MR. DEPUTY CHAIRMAN: I agree.

SHRI SITARAM YECHURY: So, do not give us a logic here saying that because it is a joint thing, we have no business here to raise that issue. That is wrong. Do you agree? ...*(Interruptions)*... Who's shouting there?

MR. DEPUTY CHAIRMAN: No, no. you proceed. ...*(Interruptions)*... You proceed. You continue.

SHRI SITARAM YECHURY: Now, the second point. If that is the case, you please think over it before you give any suggestion or ruling. Second point, the Chair announced the lunch-break from 1.00 p.m. to 1.30 p.m. You have informed the Members that that is the period they can go outside and have their lunch and come back. And, at that time, the lunch break is not there. You continue the House. ...*(Interruptions)*...

SHRI DEREK O BRIEN: No, no. There was no such announcement made. ...*(Interruptions)*... There was no such announcement made. ...*(Interruptions)*...

SHRI SITARAM YECHURY: I was there. ...*(Interruptions)*... I was there. ...*(Interruptions)*... Sir, I am sorry. There was an announcement. Check your records. ...*(Interruptions)*... Check your records.

MR. DEPUTY CHAIRMAN: Yes, yes.

SHRI SITARAM YECHURY: Check your records. There was an announcement. Mr. O'Brien, if you are not paying attention, I do not know; there was an announcement. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I will. I will. ...*(Interruptions)*... Yes. You are correct. ...*(Interruptions)*...

SHRI SITARAM YECHURY: And, now, the Chair also agrees. If you don't mind ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I will come back. ...*(Interruptions)*... I will come back. ...*(Interruptions)*...

SHRI SITARAM YECHURY: If you don't mind, the Chair also agrees to that. Now, the point, Sir, is this. Why did you violate such things? It gives a wrong impression for the Government also that you are manipulating, you are manoeuvring. You have a discussion on the Companies Bill. You stop that half-way through and get this Joint Committee proposal made here. Is it ever done? When you are having a discussion on one Bill, one legislative matter, do you stop that discussion and bring in a proposal to get a Joint Committee elected and then dispose of that matter and continue with that discussion? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Okay. Now, ...*(Interruptions)*...

SHRI SITARAM YECHURY: Have you ever done it as a Chairman?

MR. DEPUTY CHAIRMAN: Okay. You have made your point.

SHRI SITARAM YECHURY: I am saying all these things which show a certain manoeuvring that you are doing. That is the point that I want to mention here.

MR. DEPUTY CHAIRMAN: Okay, you have made your point.

SHRI SITARAM YECHURY: No, no. I want answers to it, Sir. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, no. ...*(Interruptions)*... One question I will answer. ...*(Interruptions)*...

SHRI SITARAM YECHURY: You will answer but let the hon. Ruling Benches understand what is the question so that they may answer after you answer! ...*(Interruptions)*...

SHRI MUKHTAR ABBAS NAQVI: Sitaramji, ...*(Interruptions)*...

SHRI SITARAM YECHURY: The point is, why are you doing such a manoeuvring

and such manipulation that does not speak well for the credentials of the Government?
...(Interruptions)...

SHRI MUKHTAR ABBAS NAQVI: No, no; not manoeuvring. ...(Interruptions)...
सीताराम जी, जो Supplementary List of Business है, यह सदन में बांट दिया गया था। राज्य सभा की सेलेक्ट कमेटी के जो प्रपोज होने वाले सदस्य हैं, इनके नाम इसमें थे। यह जो Supplementary List of Business है, यह सुबह साढ़े ग्यारह और बारह बजे के बीच में सभी सदस्यों के हाथ में आ गया था। यह पूरी तरह से ...(व्यवधान)... ठीक है, part of the Business or on a Bill, यह तय हुआ था कि एक बजे ऑनरेबल मिनिस्टर सेलेक्ट कमेटी की एनाउंसमेंट करेंगे। वे उस समय थे, उन्होंने उसको एनाउंस किया। उस समय सारे मेम्बर्स अवेलेबल थे, इसलिए इसमें कहीं कोई कंप्यूजन नहीं है।

श्री सीताराम येचुरी : देखिए, आपने जो लिस्ट किया, उसे आपने सर्कुलेट किया, मैं मानता हूँ। वह लिस्ट सर्कुलेट करने के बाद मिनिस्टर महोदय से बातचीत हुई, वह बात आप भी जानते हैं, या आप कहिए कि यह फॉर्मैलिटी है, यह लिस्ट सर्कुलेट हो गई, जो भी कहना है, सदन में कहेंगे। फिर छोड़िए बातचीत, सरकार हमसे बातचीत न करे, हम जो भी रेज़ करना चाहते हैं, यहीं पर करेंगे।

MR. DEPUTY CHAIRMAN: Yechuryji, now let me react to it.

SHRI SITARAM YECHURY: Sir, there is a certain degree of practicality. Certain practical issues are involved.

MR. DEPUTY CHAIRMAN: I am not disagreeing with it.

SHRI SITARAM YECHURY: My Members told me that they were asked to give a name. They gave a name. Why was not that not included then? Why did you ask for the name to be given then if this was the understanding?

MR. DEPUTY CHAIRMAN: You have made your point. I will give my ruling and my view on this. Then we will go back to the Bill because it has to be taken up. Yechuryji and Balagopalji have raised two points. First one relates to the Chair. So, I would react to the first one.

SHRI SITARAM YECHURY: You only react to the issue concerning the Chair. Let the Government react to the second issue.

MR. DEPUTY CHAIRMAN: I believe they have already said what they have to say. I have to proceed with the business also. What you said is correct. It could have been taken up after the Bill was disposed of. That procedure would have been better. That procedure would have been more correct. I admit it. However, the Minister informed the Chair through another Minister that there was some urgency and asked if it could be taken up then. I was asked to consider that. I did not take it upon myself. I asked the House if I could take that up. I said if the House would agree,

[Mr. Deputy Chairman]

I would take that up. I asked this question. At that time, nobody objected to that. If anyone had objected to that, I would not have taken that up. But I understand the other difficulty. At that time, your Members were not there. That is the problem. I asked whether the House would agree to take that up. If, at that time, I heard a voice saying 'no,' I would not have taken that up.

SHRI SITARAM YECHURY: Sir, how can there be a voice saying 'no?'

MR. DEPUTY CHAIRMAN: I put a question. Let me complete. I was putting a question whether the House would agree to take that up. At that time, anybody could say 'no' to that. That did not happen. Therefore, it was taken up. But I concede your point. It would have been better if it had been taken up after disposing of the Bill. I concede that.

Second point is regarding the Membership of the Rajya Sabha. I know the political compulsions of the Ruling Party and other political parties. But the Chair has no political compulsions. For the Chair and for all of us, the Rajya Sabha is as important as the Lok Sabha. In the Constitution, if I am correct, the Council of States is mentioned first. Simply because a Member of the other House is in the Committee, that cannot be a reason to deny a Member of this House membership in the Committee. That is my view. With that, it is closed. We shall now take up the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Bill, 2015.

SHRI SITARAM YECHURY: Sir, I want to ...(Interruptions)...

MR. DEPUTY CHAIRMAN: I gave a ruling.

SHRI SITARAM YECHURY: Sir, I agree with that. I only want to make a point.

MR. DEPUTY CHAIRMAN: I gave a ruling.

SHRI SITARAM YECHURY: Sir, you did. I am not disputing that. I am only saying that if you announce that you will have a lunch-break at a certain point, then you cannot expect Members to be here who will say 'no.'

MR. DEPUTY CHAIRMAN: I agree with that.

SHRI SITARAM YECHURY: Sir, that also you add.

MR. DEPUTY CHAIRMAN: That is why I said it could have been better if it was taken up after that. I concede that. It is not that I rejected your point. I conceded your point. When I conceded most of your points, you should be happy.

SHRI SITARAM YECHURY: I am, Sir.

SHRI K. N. BALAGOPAL: Operation was successful but the patient died.

MR. DEPUTY CHAIRMAN: We shall now take up the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Bill, 2015.

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Sir, before the hon. Minister speaks, I have just one point. My Party is strongly supporting this Bill. But, I would like to flag one point.

MR. DEPUTY CHAIRMAN: You can do so after he moves the Bill. Let him move.

SHRI GHULAM NABI AZAD: We are not going to oppose. In that sense, I want to make a point. It is being generally felt that this Bill has been made a Money Bill just to undermine the position of Rajya Sabha. Many provisions of other Bills have been incorporated in it; otherwise, this could not have been a Money Bill. Since this has been brought forward, we are not going to oppose it. I would just caution the hon. Finance Minister that this should not be repeated in future.

MR. DEPUTY CHAIRMAN: Okay. Now, hon. Finance Minister.

GOVERNMENT BILL — *Contd.*

**The Black Money (Undisclosed Foreign Income and Assets) and
Imposition of Tax Bill, 2015**

THE MINISTER OF FINANCE; THE MINISTER OF CORPORATE AFFAIRS;
AND THE MINISTER OF INFORMATION AND BROADCASTING (SHRI ARUN
JAITLEY): Sir, I rise to move:

That the Bill to make provisions to deal with the problem of the Black money that is undisclosed foreign income and assets, the procedure for dealing with such income and assets and to provide for imposition of tax on any undisclosed foreign income and asset held outside India and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

Sir, with this introduction, I would not make any opening comments because of time constraints. Let the matter be discussed. I will say subsequently whatever I have to say on this Bill. At that stage, I will also answer the question which Mr. Azad has raised.

The question was proposed.