



**सुशील कुमार मोदी**

**द्वारा**

**राज्य सभा के 257 वां सत्र  
(18 जुलाई-08 अगस्त, 2022)**

**में**

**दिया गया भाषण**

**व**

**प्रकाशित लेखों का संकलन**





## बस माँ

तुम्हें बिना किसी काम के  
किसी छोटे से नाम से  
पुकारती है  
बस माँ



तुम्हारे अन्दर के बचपन को  
हर उम्र में दुलारती है  
बस माँ  
तुम अंबर की सीढ़ी पर होते हो,  
वह जड़ों से थामे रखती है  
नींद आने से पहले



तुम्हारी फ़िक्र को सिरहाने रखती है  
बस माँ

वह निर्निमेष शून्य में भी ताकती है  
तो तुम्हारे लिए प्रार्थनाएँ ले कर  
वह अस्वस्थ भी होती है  
तुम्हारी सारी बलाएँ ले कर  
तुम्हारे अस्तित्व के सिंचन में  
तुम्हारे सूक्ष्म के कंपन में सदा  
रहती है



बस माँ  
तुम्हारी —की हुई झील में  
चंचल सी नदी फूँक सकती है।  
बस माँ

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## INFLATION पर राज्य सभा में दिया गया भाषण

महोदय, मैं, महँगाई के मुद्दे पर बोलने के लिए खड़ा हुआ हूँ। पहले GST की चर्चा करता हूँ।

**MR. CHAIRMAN:** You have ten minutes' time. Keep that in mind.

**SHRISUSHIL KUMAR MODI:** Sir, the Government has reiterated that it was a unanimous decision in the Fitment Committee, in the Group of Ministers and even in the GST Council.

[THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA) *in the Chair.*]

But somehow, Members from Opposition are saying, 'No; we opposed this increase of GST,' मैं केवल एक ही सवाल का जवाब जानना चाहता हूँ कि अगर आपने विरोध किया, तो वोटिंग क्यों नहीं कराई? जीएसटी काउंसिल में वोटिंग का प्रावधान है। अगर आपने विरोध किया और आपकी बात को स्वीकार नहीं किया गया, तो मैं आपसे जानना चाहता हूँ कि क्या आपने वोटिंग के लिए फोर्स किया, क्या आपने वोटिंग करवाई और अगर नहीं कराई तो क्यों नहीं कराई? उपसभाध्यक्ष महोदय, सच्चाई तो यह है कि यह निर्णय सर्वसम्मति से लिया गया। मैं नाम नहीं लेना चाहूँगा। एक राज्य के वित्त मंत्री ने यहाँ तक कहा कि इस पर कोई चर्चा की जरूरत नहीं है, इसको सर्वसम्मति से पारित कर दिया जाए।

उपसभाध्यक्ष महोदय, मैं यह भी जानना चाहता हूँ कि अगर आपका विरोध है, तो आपने नोटिफाई क्यों किया? On 18<sup>th</sup> July, each and every State including Congress-ruled or TMC or CPM notified this increase of GST. आपने पश्चिम बंगाल में क्यों नोटिफाई किया? आप रोक देते कि हम नोटिफाई नहीं करेंगे। आपने केरल में क्यों किया? आपने तमिलनाडु में क्यों किया? आपने टैक्स इन्क्र्रीज को नोटिफाई किया, it means you are in favour of increasing of GST rate tax और अब आप कह रहे हैं कि हमने तो साथ नहीं दिया था। महोदय, यह बार-बार कहा जा रहा है। मैंने केरल के मुख्यमंत्री

का बयान देखा कि हम इसको लागू नहीं करेंगे। मेरा कहना है कि अगर हिम्मत है तो जो अपोज़िशन-रूल्ड स्टेट्स हैं, वे घोषणा करें कि इस इन्क्रीज़ को अपने राज्य में लागू नहीं करेंगे। अगर हिम्मत है, तो वे एलान करें। लेकिन, उन सबों ने इसको लागू कर दिया और अब यहाँ पर धरना दे रहे हैं, प्रदर्शन कर रहे हैं। मैं तो आग्रह करूँगा कि अगर आपको गरीबों की इतनी ही चिन्ता है, तो आप एलान कीजिए कि आप रीडम्बर्स करेंगे। There is a provision of reimbursement. They will not levy any tax on the consumer, but they will reimburse the tax to the shopkeepers. आप अनाउंस कर दीजिए कि रीडम्बर्स करेंगे। अभी भी समय है, आप जीएसटी काउंसिल की अगली बैठक में विदड़ों करने का प्रस्ताव ला सकते हैं। इसके पहले भी जीएसटी काउंसिल की बैठक में 300 से ज्यादा चीजों पर जो टैक्स इन्क्रीज़ हुआ, उसको वापस लिया गया। आप एलान कीजिए कि जीएसटी काउंसिल की अगली बैठक में हम इस निर्णय को वापस लेंगे।

उपसभाध्यक्ष महोदय, यह जीएसटी काउंसिल का फैसला है। यह केन्द्र सरकार का फैसला नहीं है। केन्द्र सरकार वहाँ मौजूद थी, केन्द्र सरकार वहाँ उपस्थित थी, लेकिन सर्वसम्मति से यह फैसला लिया गया। चाहे वह कांग्रेस हो या टीएमसी हो, सभी ने सर्वसम्मति से यह निर्णय लिया है।

**श्री सुशील कुमार मोदी (क्रमागत):** उपसभाध्यक्ष महोदय, आश्चर्य की बात है कि एक पार्टी के लोग कह रहे हैं कि 'जीएसटी को स्कूप कर देना चाहिए। अगर हमारी सरकार बनी तो नया जीएसटी लाएंगे', वे कहते हैं कि सिंगल रेट होना चाहिए। आप अगली मीटिंग में प्रस्ताव लाइए। क्या आज तक आप कोई प्रस्ताव लाए कि सिंगल रेट होगा? क्या चप्पल पर जो टैक्स लगेगा, वही टैक्स मर्सिडीज़ कार पर भी लगेगा। अगर हिम्मत है तो जीएसटी काउंसिल की अगली बैठक में bring a Resolution that there will not be four slabs of taxes, but there will be only one slab of taxes, महोदय, आपने वहाँ सर्वसम्मति से निर्णय कर दिया और यहाँ पर आप उसका विरोध कर रहे हैं। इनको विरोध करने का कोई नैतिक अधिकार नहीं है।

### **Imported Inflation :**

महोदय, जहाँ तक इन्फ्लेशन की बात है। यह इम्पोर्टेड इन्फ्लेशन है। यह आयातित महँगाई है। यह देश की अर्थव्यवस्था के मिसमैनेजमेंट के कारण पैदा हुई महँगाई नहीं है। यह इम्पोर्टेड इन्फ्लेशन है। यहाँ जो इन्फ्लेशन है, 'India's import dependency is a Congress legacy'. मैं कांग्रेस के नेताओं से जानना चाहता हूँ कि अगर आज़ादी के 75 साल के बाद भी 85 परसेंट क्रूड ऑयल इम्पोर्ट करना पड़ रहा है, तो क्या आप इसके लिए ज़िम्मेदार नहीं हैं? जो खाद्य तेल है, पाम ऑयल, मस्टर्ड ऑयल, सोयाबीन ऑयल, अगर हमें आज 60 परसेंट एडिबल ऑयल इम्पोर्ट करना पड़ता है, तो आपने क्या प्रयास किया कि इम्पोर्ट न करना पड़े? महोदय, हम 58 परसेंट नेचुरल गैस इम्पोर्ट करते हैं। 75 साल में आपने क्या प्रयास किए कि उसे इम्पोर्ट नहीं करना पड़े? महोदय, हम 60 परसेंट फर्टिलाइज़र इम्पोर्ट करते हैं।

### **3 F: Fuel, Food, Fertiliser :**

आज जो सारी महँगाई है, यह 3F के कारण है, 'Fuel, Food and Fertilizer'. ये तीनों चीज़ें हैं, जिन्हें हम विश्व के बाज़ार से आयात करते हैं। महोदय, 3R - Russia- Rate and Recession ये तीन बड़े कारण हैं, जिनके कारण यह स्थिति यहाँ पैदा हो रही है।

### **Record Worldwide Inflation : Worldwide Protest :**

महोदय अमेरिका में इन्फ्लेशन कितना है। वह 2 परसेंट था, that is increased to 9.1 per cent. कनाडा में 8.1 परसेंट है, यूके में 9.4 परसेंट इन्फ्लेशन है, and that is going to be increased to 11 per cent in the coming days. आज पूरी दुनिया में विरोध हो रहा है, पूरी दुनिया के अंदर महँगाई के विरुद्ध में आंदोलन हो रहा है। इंग्लैंड के अंदर वेजेज़ को बढ़ाने के लिए रेलवे की स्ट्राइक हो गई, जिम्बाब्वे में नर्सों ने स्ट्राइक कर दी, बेलजियम के अंदर वकर्स की स्ट्राइक हुई-साउथ कोरिया, स्पेन, पेरू, अफगानिस्तान, यमन, म्यांमार, हैती, ब्रुसेल्स, लेबनान, इराक, केन्या, ट्यूनीशिया, बुर्किना फासो, आदि दुनिया के 50 से ज्यादा देशों में महँगाई के विरोध में जनता सड़कों पर आ

गई, लेकिन यह नरेन्द्र मोदी जी का कमाल है कि इन्होंने महँगाई को नियंत्रित करके रखा और आपके प्रयास के बावजूद कोई सड़कों पर नहीं आया। पोलिटिकल पार्टीज़ के प्रदर्शन के अलावा कहीं जनता सड़कों पर नहीं आयी, क्योंकि जनता को मालूम है कि यह महँगाई यूक्रेन के कारण है, जनता को मालूम है कि अंतर्राष्ट्रीय बाज़ार में फर्टिलाइज़र का दाम नहीं बढ़ा होता, तो भारत में फर्टिलाइज़र का दाम नहीं बढ़ा होता। महोदय, जनता को यह मालूम है कि प्यूल से लेकर बाकी चीज़ों का ...( समय की घंटी )... महोदय, आपने 10 मिनट का समय दिया था।

**उपसभाध्यक्ष ( श्री भुबनेश्वर कालिता ):** अभी पार्टी ने समय कम कर दिया। 7-7 मिनट का समय कर दिया है।

**श्री सुशील कुमार मोदी:** आपने मुझे नहीं बोला कि कम कर दिया है, आपने कहा कि 10 मिनट का समय है, इसलिए मैं 10 मिनट को ध्यान में रखकर बोल रहा था। महोदय, चेरमैन साहब ने 10 मिनट का समय दिया था।

### **Fertiliser Subsidy:**

महोदय, फर्टिलाइज़र का दाम अंतर्राष्ट्रीय बाज़ार में बढ़ा, लेकिन हमने किसानों के लिए दाम बढ़ने नहीं दिया, हमने उनको सब्सिडी दी। हमने 62 हजार करोड़ रुपये की सब्सिडी दी है, सरकार ने एलान किया है कि वर्ष 2025 के बाद हम यूरिया का इम्पोर्ट नहीं करेंगे।

**श्री सुशील कुमार मोदी ( क्रमागत ):** अगर हम यूरिया का इम्पोर्ट नहीं करेंगे, तो उससे 40 हजार करोड़ की बचत होगी, हम कितनी सब्सिडी दे रहे हैं? मैं सदन को बताना चाहूँगा कि यह जो यूरिया है, उसका प्राइस 2,450 रुपये है और हम 2,184 रुपये सब्सिडी दे रहे हैं, यानी 2,450 रुपये की यूरिया केवल 266 रुपये में हम किसानों को दे रहे हैं। डीएपी का दाम 4,073 रुपये है और हम 1,350 रुपये में दे रहे हैं। एनपीके का दाम 3,291 रुपये है और हम 1,470 रुपये में दे रहे हैं। एमओपी का दाम 2,654 रुपये है, लेकिन हम 1,700 रुपये में दे रहे हैं। महोदय, अगर नरेन्द्र मोदी जी नहीं होते, तो आज भारत में महँगाई की दर जो 7 प्रतिशत है, यह 20 परसेंट पर पहुँच गई होती। महोदय, समय नहीं है। मेरे पूर्व

के लोगों ने आँकड़ा दिया है कि यूपीए के समय में क्या हुआ, इन्फ्लेशन का रेट क्या था, ग्लोबल फाइनेंशियल क्राइसिस के समय भारत के अंदर इन्फ्लेशन का रेट क्या था, टेम्पर टेन्ट्रम के समय इन्फ्लेशन का रेट क्या था? हम आज 7.01 पर हैं और मैं विश्वास दिलाना चाहता हूँ अब यूक्रेन से सनफ्लॉवर का एक्सपोर्ट प्रारंभ हो गया है, यूक्रेन से गेहूँ का एक्सपोर्ट प्रारंभ हो गया है। माननीय धनश्याम तिवाड़ी जी ने ठीक कहा है कि नरेन्द्र मोदी जी थे, जिन्होंने रूस-यूक्रेन युद्ध के दौरान और अमेरिका की बिना परवाह किए, सैंक्शन की बिना परवाह किए रूस से केवल कच्चा तेल ही नहीं, बल्कि रूस से फर्टिलाइज़र, कच्चा तेल और अन्य चीजों को सस्ते दाम पर मंगवा कर गरीबों को देने का काम किया है।

**उपसभाध्यक्ष ( श्री भुवनेश्वर कालिता ):** प्लीज़, आप कन्क्लूड कीजिए। आपका दस मिनट का समय पूरा हो चुका है।

**श्री सुशील कुमार मोदी:** सर, मैं कन्क्लूड कर रहा हूँ, इसलिए मैं भारत के प्रधानमंत्री श्री नरेन्द्र मोदी जी को धन्यवाद देना चाहूँगा, जिन्होंने प्रोएक्टिव होकर महँगाई को नियंत्रित करने का प्रयास किया है। प्रोएक्टिव पॉलिसीज़ बनाई हैं और आगे आने वाले दिनों में भी हम महँगाई को 7 परसेंट से आगे नहीं जाने देंगे।

उपसभाध्यक्ष महोदय, इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ। आपने समय दिया, उसके लिए बहुत-बहुत धन्यवाद।

## INDIA ANTARCTICA BILL

पर

संक्षिप्त-भाषण

THE VICE-CHAIRMAN (SHRI BHUBANESWAR KALITA): The House is missing the good contribution which could have been made by Shrimati Vandana Chavan ji. ...(*Interruptions*)... The next speaker is Shri Binoy Viswam. ...(*Interruptions*)... He is not speaking. ...(*Interruptions*)... Shri Sushil Kumar Modi.

श्री सुशील कुमार मोदी (बिहार) : उपसभाध्यक्ष महोदय, मैं इंडिया अंटार्कटिक बिल, 2022 के पक्ष में बोलने के लिए खड़ा हुआ हूँ। ...(*व्यवधान*)... Antarctica has a history of 140 years. ...(*Interruptions*)... 20वीं शताब्दी के प्रारंभ में अनेक एक्सप्लोरर्स ने समुद्री यात्रा की, लेकिन कोई सफल नहीं हुआ। ...(*व्यवधान*)... 15 दिसम्बर, 1911 को रोआल्ड एमंडसन पहली बार साउथ पोल पहुँचा और वहाँ से जिन्दा लौट कर आया। ...(*व्यवधान*)... The Antarctic ice sheet is the single largest piece of ice on the earth. अगर साउथ पोल की आइस मेल्ट करने लग जाए, तो पेसिफिक और इंडियन ओशन के बहुत सारे आइलैंड्स खतरे में पड़ जाएँगे। ...(*व्यवधान*)...

श्री सुशील कुमार मोदी (क्रमागत) : महोदय, it is the fifth largest continent on earth with a geographical area of 14 million square kilometres. It is the coldest, driest and windiest continent. वहाँ मुश्किल से हजार-डेढ़ हजार लोगों की आबादी है। ...(*व्यवधान*)... वहाँ जो 40 रिसर्च स्टेशंस हैं, वे लोग साल भर वहीं पर काम करते हैं। ...(*व्यवधान*)... वहाँ पर भारत के भी दो स्टेशंस हैं - 'मैत्री' और 'भारती'। ...(*व्यवधान*)...

वहाँ पर टूरिस्ट्स की संख्या, 2015 में 36,000 थी, वह बढ़कर 73,000 हो गई है। ...**(व्यवधान)**... उपसभाध्यक्ष महोदय, इस बिल के पास होने के बाद जो मरीन फिशिंग करने का काम है, जिसमें भारत शामिल नहीं हुआ है, उसमें भारत को भी शामिल होने का मौका मिलेगा। ...**(व्यवधान)**... महोदय, भारत सरकार इंस्पेक्शन टीम का गठन कर सकती है। ...**(व्यवधान)**... इस बिल में इंस्पेक्शन का प्रावधान है, पैनल्टी का प्रावधान है। ...**(व्यवधान)**... अगर कोई इन प्रावधानों का उल्लंघन करता है, तो उसके लिए पैनल्टीका प्रावधान है। ...**(व्यवधान)**... इसमें अंटार्कटिका फंड के गठन का भी प्रावधान किया गया है। ...**(व्यवधान)**... साथ ही साथ, अगर कोई प्रावधानों का उल्लंघन करता है, तो डेजिगनेटेड कोर्ट्स को यह अधिकार दिया गया है कि वे उस पर कार्रवाई कर सकें। ...**(व्यवधान)**... उपसभाध्यक्ष महोदय, मैं इस बिल का समर्थन करता हूँ और सदन से भी आग्रह करता हूँ कि इस बिल को सर्वसम्मति से पारित करें।

## **Need for Law to Implement Single-Charging Device Mandate for all Consumer Electronic Devices in India**

**SHRI SUSHIL KUMAR MODI (Bihar):** Sir, with the doubling of per-capita disposable income and private consumption between FY 2012 and FY 2022, India has become one of the largest markets for electronic devices in the world. As per 2019-20, the electronic devices industry was valued at USD 118 billion, 46 per cent of which accounts for mobile phones and consumer electronics.

This increase in ownership and use of electronic devices by consumers in India has consequently expanded the ownership of charging devices. An average consumer may be expected to own 5-6 charging devices which essentially means that users are spending money on redundant chargers and are generating greater electronic waste.

According to Government estimates, e-waste generation has increased by 32 per cent between FY 2019 and FY 2020. Moreover, less than 25 per cent of the waste is systematically disposed of. Consequently, improper disposal of unused devices in open spaces and water bodies comes with environmental threats.

To respond to these issues, the European Union has agreed on a single charger mandate for all small and medium-sized electronic devices. It requires all manufacturers to switch to USB Type-C charging portals by 2024. Expected benefits include annual savings of 250 million euros spent on unnecessary charger purchases and significant reduction in e-waste generation.

I, therefore, urge the Government to consider the expected benefits of such a mandate within India and implement a similar law to increase consumers' convenience and reduce circulation of electronic waste.

**DR. JOHN BRITTAS (Kerala):** Sir, I would like to associate myself with the Special Mention made by the hon. Member.

**DR. SANTANU SEN (West Bengal):** Sir, I would also like to associate myself with the Special Mention made by the hon. Member.

**SHRI ABIR RANJAN BISWAS (West Bengal):** Sir, I would also like to associate myself with the Special Mention made by the hon. Member.

# ORIENTATION PROGRAMME FOR NEWLY ELECTED AND NOMINATED MEMBERS OF RAJYA SABHA

30-31 JULY, 2022

LECTURE ON "IMPORTANCE OF QUESTION HOUR"  
BY: SHRI SUSHIL KUMAR MODI, MP

**SHRI S. JASON:** Good afternoon, hon. Members. We begin our afternoon session now. Undoubtedly, Question Hour is the liveliest hour in the Parliament. During this hour, Members of Parliament put questions and hold Ministers accountable for the functioning of their Ministries. To share more information this subject, we have with us Shri Sushil Kumar Modi. A former Member of Bihar Legislative Assembly and Bihar Legislative Council, Shri Modi now represents the State of Bihar in this august House. He has also held many important portfolios in the State Government of Bihar including that of serving as the Deputy Chief Minister. Presently, he is the Chairman of the Committee on PPG. We also have on dais the Secretary-General and Shri Pradeep Chaturvedi, Joint Secretary, who is in-charge of the Question Branch in the Secretariat. I now request Modi ji to please share his thoughts on the subject and interact with hon. Members.

## **History of Q. Hour :**

**SHRI SUSHIL KUMAR MODI:** Very good afternoon friends. You all know the importance of Question Hour. I will not go into the history or the background of the Question Hour. But I must tell you that in Great Britain this Question Hour started in the year 1721. So, in Great Britain or the UK, it has a history of 300 years. And, as you all know, we have adopted this model of Westminster system, so, most of the Question Hour or other parliamentary proceedings have been adopted with modifications in India. In India, in the year 1853, when the first Charter Act was enacted, at that time, in a very short form, they were allowed not to ask question but, you can say, allowed to ask something about the policy matters.

## Timing of Q Hour

In Lok Sabha the Timing of Question Hour starts at 11 o'clock. Many of you must have been in the Assembly also. So, every where, the Question Hour is the first hour of the House. When the House assembles, the first hour is devoted to Question Hour. But in Rajya Sabha, as you all know, it is from 12.00 p.m. to 1.00 p.m. The practice of having Question Hour from 12.00 p.m. to 1.00 p.m. started from November, 2014. The reason behind shifting it from 11 o'clock to 12 o'clock is that as soon as the House used to assemble, Members used to come into the Well of the House; they used to raise their issues; and, it was very difficult to conduct the Question Hour. Since the Question Hour is the most important hour, it was then decided to shift it to 12 o'clock and the Zero Hour, which was earlier held at 12 o'clock, was shifted to 11 o'clock, so that whatever disturbance may be there in the House, it would be complete within one hour and the Question Hour can go on very smoothly. So, this 12 o'clock Question Hour is a very recent phenomenon, only from 2014. Friends, as you all know, and he has also mentioned that this is the most important part of parliamentary proceedings, one of the liveliest one. When the media was allowed in the gallery, it was jam-packed. Even the *darshak deergha*, when it was allowed, was jam packed during the Question Hours.

## PM's Q hour in UK:

There is Prime Minister's Question Hour every Wednesday in U.K. The Prime Minister answers the questions and the questions are not given in advance. Immediately, one can stand and ask a question; and the Leader of Opposition is allowed to ask six questions. I have seen that lively proceeding of House of Commons. It is like playing 'ping-pong'. टेबल टेनिस में एक बॉल मारते हैं तो दूसरी तरफ जाती है, फिर उधर से मारा तो दूसरी तरफ जाती है। So, someone is asking questions and he is answering. Again someone else asks a question.

## Grouping of Q's:

Friends, this is the most important thing for the Question Hour. This chart is being uploaded on the Website 17 days before the Parliament is being summoned. मेरा आग्रह है कि the first thing that you should do is, you should go through this chart very rigorously, each and every column of that chart. If you understand this Chart, it will become very easy for you to know when to ask, what to ask and when to submit a question. You will see in this Chart that first is the 'Group'. You all know that all the Ministries are divided into five Groups - Group-1, Group-2, Group-3, Group-4 and Group-5. So, all the Government of India's Departments and Ministries are divided into five Groups, and normally, they don't change and the days are also fixed. The Group-1 will always take place on Monday, Group-2 on Tuesday. In the same manner, Group-5 will be on Friday. तो आप देखेंगे कि इसके अंदर in Group-1, it is written Monday, and the Departments which would be taken up under Group-1, or, on Monday, are सिविल ऐविएशन से लेकर स्टील along with the date of sitting that on which day this will take place and the last date for receiving notice. So, this is very important, If you miss this last date of receiving notices up to 3.00 p.m. , then you miss that particular day. So, I request all the Members that you should apply ten minutes on this Chart as soon as it is loaded on the Website. Actually, what happens is, मैंने इस बार भी देखा that for the first four-five days, no Member sees this chart because they don't know when the House has been summoned; and the 4<sup>th</sup> July was the last date for Group-1, Group-2 and Group-3 and hardly 17 Members filed questions; only 17. अगर आप इसको गौर से देखेंगे और समझने का प्रयास करेंगे तो मुझे लगता है कि काफी चीजें सीख पाएंगे, कौन सा ग्रुप है, डिवीजन है, किस ग्रुप में कौन सा है, किस दिन कौन सा ग्रुप लिया जाता है। The important is the last date. एक चीज और गौर कीजिएगा। On 4<sup>th</sup> July, for Group-1 questions, it was the last date; for

Group-2 questions also, it was the last date; and for Group-3 also, it was the last date. So, if you missed 4<sup>th</sup> July, it means you have missed three days' questions. Normally, the last date is only for one group but, many a time, they club two groups, three groups together. इसलिए यह बहुत महत्वपूर्ण चीज है, जिसे सभी लोगों को जानने की आवश्यकता है।

### **No. of Q on a day:**

The second important thing that is written in the Rule Book is that a Member can ask maximum seven questions on one day. Don't put more than two-three questions per day. So, though it is written that the maximum questions that you can put is seven per day, but these are the tips from my own experience and from the experience of other senior Members because in the Starred Questions, only one question will be taken per Member. A total of 175 questions will be taken per day. Out of it, 15 questions will be taken per day for oral answers, that is, under 'Starred Question'. Now, forget the word 'Starred' because earlier, there was a printed form in which the 'star' thing was there. But now everything is online. So, for oral answers, 15 questions are selected तो बाकी कितना बचा, '160'. For written reply, another 160 questions will be there in which there will be no oral answer. You will get the reply in writing. Out of these 160 questions, for those States which are under President's Rule, only 15 questions can be there. For example, Kashmir is under President's Rule. If you want to ask any question regarding jammu and kashmir, you can ask, and it will be '15'. Out of these 160 or 175 questions, only 15 questions can be from States which are under President's Rule. So, my advice will be, don't put more than three questions. So, two or three will be better. मैं उस पर बाद में आऊँगा। You can prepare a question bank also so that you don't have to wait for the questions to be drafted. You may prepare for each group 10-15 questions, and as soon as you see the chart, you can put your questions and apply it one-by-one. तो मैं मेम्बर्स से आग्रह करूँगा कि उनको और क्वेश्चन बैंक तैयार करना चाहिए।

## **When to file a Q:**

Thirdly, don't be in a hurry to put your questions five day before the last date. You should wait for the last day because it is online. मान लीजिए आपने क्वेश्चन बैंक में कोई बढ़िया क्वेश्चन तैयार किया and something important has taken place, and if you want to ask a question on it, तो मैं क्या करता हूँ कि I put my question at one o'clock on the last day because there is a lottery. It is not pick and choose by speaker or anybody. So, even if you put your question two days' before or half-an-hour before, that last hour, It has the same significance, It has the same value. You can wait. But if you are so busy, then, that is another thing. But if you can wait for the last moment, you can get hold of some important question. For each Q maximum 100 words are allowed. So, you can draft your question in four paragraphs, five paragraphs, six paragraphs whatever number of paragraphs you want. Now, a question can only be asked either in Hindi or English. If you ask in English also, there is a provision of translation. If you ask in Hindi, it will be translated into English. No regional language, as on date, is allowed. It is not allowed to file your questions in a regional language.

## **Format of Q:**

If you are asking a question, it starts with 'Is it true? क्या यह सही है? Whether the Government is aware of it. If so, the details there of and the action taken. If not, the reason thereof.' You are not suggesting something. You are asking a question. So, the format of the question should be in the form of asking a question. एक इम्पोर्टेंट चीज यह है कि आपने सीबीआई पर क्वेश्चन पूछा। But do you know to which Department the CBI belongs to? Most of us may not be knowing as to which Department the ED belongs to.

## **Classification of Subject :**

So, there are many such issues which the Members do not know, like to which Department a particular issue belongs. And you can ask questions relating only to a particular Ministry of Department. So, if you go to the website, there is a classification of

subjects for various Ministries for putting answers in the Rajya Sabh. If you wish to raise a question about roads. it would naturally concern the Ministry of Road Transport and Highways, if it is about defense, then it is directed to the Ministry of Defense, but in many cases, there may be some confusion about which Ministry would be dealing with a particular issue. मेरा यह कहना है कि जैसी ही doubt हो, Members may click on the 'classifications of subject' to find out about the relevant Ministry. It is a 160-170 pages document. You may refer to that go to that particular Department and find out which Ministry that subject belongs to.

### **Admissibility of Q:**

A very important question is regarding admissibility. All your question cannot be taken up by the Rajya Sabha suo motu. In Rule 47, at Annexure-II, you may look at Rajya Sabha - Questions and Answers admissibility. I will not go into the details. I would mention four-five things, बाकी आप देख लीजिए। The Question should be on a particular issue. There should not be four or five issues raised in a single question. It shall be pointed, specific and confined to one issue only. Even if you are asking questions of one Department, it should be on a specific issue. There may be many issues concerning that Department. You can't raise multiple issues through one question. There should be only one issue in a single question. It shall not exceed 100 words. It should be concerning the Government of India. If the question is concerning the State Government, Government of India may not answer it. So, only those question would be answered which are primarily the concern of the Government of India. You shall not ask about the proceedings of a parliamentary Committee. You can't ask question about the character of a person or raise trivial issues. Very importantly, you can't raise questions about a matter that is subjudice. For instance, the Agnipath scheme is under the consideration of the Supreme Court. If you ask any question about the Agnipath scheme, it would be disallowed and the Government would say it is subjudice. If any matter is under the consideration of supreme court it would not allowed. So, you should be very careful

Otherwise, your opportunity to raise a question would be wasted. It shall not refer to friendly foreign countries discourteously. Hon. Members, I am not going into details, इसलिए मेरा आग्रह होगा कि answers की admissibility को आप एक बार देख लें।

### **Only Online submission of Q:**

From this Session onwards, no question is allowed to be submitted in a physical form. Till the last Session, you could submit your questions online as well in a physical form, but from this Session onwards, everything is online. I must tell you how to open the e-notices website. I would suggest to you not be fully dependent on your Personal Assistants. Most of the Members are assigned a Personal Assistant or they hire somebody to frame questions for them. There is no harm in but don't depend on your Personal Assistants entirely for drafting questions. You should personally look into those questions. आप दो तरीके से notices पर जा सकते हैं, through rsnotices nic.in and rajyasabha.nic.in उसके बाद जब ई-नोटिसेज आएगा and लॉग इन करेंगे, it would ask you to enter your user id and password. When you log in with your user id and password, you would receive an OTP. When you submit the OTP, the e-notices site of Rajya Sabha would open where you would find the options of Starred Questions and Unstarred Questions. देखेंगे कि ऊपर कि सेशन नंबर लिखा हुआ है। This is the 257<sup>th</sup> Session. Starred, unstarred, etc., are all part of the menu. You may click on the option of your choice and then select the Ministry. This is very important. When you select the option of Ministry, the menu icon would open and you would find all the Ministries names displayed there. If you click on the Ministry of Defence, it would get selected. You may then select the Ministry and date of sitting. You can also directly go to the last date for receiving Notice. As soon as you fill up the last date for receiving Notice, date of sitting अपने आप appear हो जाएगा।

## Order of preference :

Then comes 'order of preference'. This is very important. It is mentioned there, priority 1, priority 2, and so on. I would come to that in the end. For each question, you must fill in the priority in order of your preference. Then you may click on the option for language, Hindi or English, then subject of your question in about 10 to 15 words, and type your question in the Notice text. उसके नीचे एक ड्राफ्ट बटन है। When you click that, it would be saved as draft and if you wish it to be the final option, you may click on the 'submit' button. As soon as you do that, your question would be submitted and you would receive a message on your mobile phone or e-mail id. So, let your PAs continue to assist you, लेकिन मैं चाहूँगा कि एक बार आप इस साइट को जरूर देखिए। यह बहुत easy है, बहुत simple है। अगर आपने सब्मिट कर दिया या आपने ड्राफ्ट में डाल दिया, तो उसके नीचे एक चार्ट मिलेगा, जिसके अंदर all your questions which are saved either as draft or final would be found. You would know which questions are there in the draft form and which have been submitted.

## Lottery of Q's:

आपने क्वेश्चन डाल दिया; once it has been submitted, उसके बाद लॉटरी होती है। Now, 3 o'clock is the deadline for submission of a question on any given day. At 5 o'clock there is a lottery, And now there is a computerized lottery. Earlier it was a manual lottery. And from this Session onwards, for both oral and written Questions there is a computerized lottery. So, there is no scope of any kind of manipulation. Even earlier there was no manipulation, but earlier it was a time-consuming process. Now, on the click of a button, the list would appear. मैं आपसे आग्रह करूँगा कि आप सेंट्रल हॉल में, जिस दिन भी ग्रुप का लास्ट डे होगा, you can go at 5 o'clock and see how the computerized lottery takes place. Members can be present there Earlier, just Unstarred Questions were computerized, अब दोनों होने लगे

हैं। मित्रों, इसमें एक important चीज यह है कि जो लॉटरी होती है, it is not lottery of Questions; it is the lottery of the Members, मान लीजिए यदि संत जी या शिवादासन जी ने तीन क्वेश्चन्स डाले, तो उस क्वेश्चन की लॉटरी नहीं होगी। The Question would not be taken up for lottery, only the names would be taken up for lottery.

Only his name will go in the lottery. जैसे ही बटन दबाते हैं, the result of the ballot for Questions for Oral Answers on such and such date comes. 25 लोगों का सेलेक्शन होता है। For oral questions, 25 Members are selected. There you see the ballot position in numbers like one, two, three, four, five and so on. That is the ballot position of each Member. Suppose Shrimati Jebi Mather Hisham is at number one. It means that on 3<sup>rd</sup> of August, her name will appear in the printed book or in the website at No.1 for the oral question. So, this is the priority of the Member. Though 25 names are selected for oral answers, but in the final list, only 15 questions will be taken up; not 25 questions. 25 names का सेलेक्शन इसलिए करते हैं कि अगर एक disallow हो गया, suppose No.1 question is disallowed, then the Question No.16 will be considered. Suppose two questions are disallowed, then Question No.17 will come in. Though lottery takes place for 25 persons, but ultimately only 15 persons are allowed to ask oral questions. मैंने ओरल क्वेश्चन के बारे में बताया कि एक आदमी का केवल एक ही क्वेश्चन लिया जाएगा। Even if you put two questions for oral answers, but only one question will be allowed for oral answer. So, for oral answer, 'one Member, one Question' is allowed. 25 questions are selected through ballot, but only 15 are allowed in the final list. On first day, only 74 Members filed their questions. This number increased to 90 on 25<sup>th</sup> and the increased to 104 on the 27<sup>th</sup>. So, in the beginning, Members didn't know that filing of questions has begun. So, only 74 Members filed their questions on 18<sup>th</sup> and 19<sup>th</sup>. इसलिए अगर आप एलर्ट रहेंगे, तो you will get a chance, otherwise, you will miss that chance.

दूसरी बात में यह बताना चाहता हूँ कि सपोज़, लिस्ट बन गई, बैलटिंग हो गई, डिपार्टमेंट में चला गया, तो which are questions which have been selected? आपने तीन क्वेश्चंस डाले, लेकिन दो ही सेलेक्ट हुए, चार डाले और तीन ही सेलेक्ट हुए, तो जिस दिन डेट है, seven days prior to due date, all the questions are put on the website. अगर आप rajyasabha.nic.in पर जाएँगे, तो seven days prior to the sitting, you can see all the questions, Starred or Unstarred. कौन सा क्वेश्चन सेलेक्ट हुआ है, यह आप देख सकते हैं। जैसे मैंने बताया कि 15 questions are Starred for oral answer and 160 questions are Unstarred for written answer.

### **Supplementary Q:**

At twelve o'clock, the Question Hour begins. Two hours prior to the Question Hour, at ten o'clock, fifteen sets of answers are placed in the lobby. लॉबी में जहाँ लोग क्वेश्चन्स के पास खड़े रहते हैं, तो दो घंटे पहले जो ओरल आन्सर के क्वेश्चन्स हैं; उनके आन्सर वहाँ रखे रहते हैं। You can go and take the answer so that you can know what the Minister is going to answer. It will be easier for you to ask supplementary, तो दो घंटे पहले जाकर कोई भी देख सकता है। The person who has asked the question gets chance to ask two supplementary questions. Please remember, there is only one hour and hardly six to eight questions are taken up during the Question Hour for oral answer. So, the Member who asks the question doesn't have to read his questions and the Minister also doesn't read the answer. Earlier, it was the practice many years back. Now, the minister doesn't read the answer. Everything is given earlier, so you prepare yourself for the supplementary. ओरल क्वेश्चन में जिसका सेलेक्शन हो गया, he can ask two supplementary. The Supplementary should be very short, crisp and specific concerning to that particular question. You cannot ask anything else. तो जिसका नम्बर आया, वह दो सप्लिमेंटरी पूछ सकता है and only three other Members can ask one supplementary question

each. So, total five supplementary questions are allowed—two supplementary from the Member who has asked the question and three supplementary questions from three Members each. अब आप पूछेंगे कि how will I get chance to ask supplementary questions? This is very tricky and very important. Even your question may not be there, you can get chance to ask a supplementary question. Firstly, you should prepare your self for the supplementary that you are going to ask.

### **How members are selected for suppl. Q :**

जब एक बार मेम्बर के प्रश्न का रिप्लाई हो गया, once the two supplementary questions have been answered by the Minister, then, three supplementary questions come up. उसका क्या तरीका है? How are the Members selected for three supplementary questions? There is no fixed formula for it. It is at the discretion of the Chair. Normally what the Chair does is that he doesn't allow only one Party to ask. जैसे आज बीजू जनता दल से एक आदमी को allow किया, बीजेपी से एक आदमी को allow किया या जिस पार्टी की जितनी strength है, उसके अनुसार वे चांस देते हैं। फिर एरिया के हिसाब से, जैसे साउथ, ईस्ट, नॉर्थ या फिर स्टेट-वाइज़ होता है। जैसे ही क्वेश्चन ऑवर स्टार्ट होता है, you give a slip in writing, "Deputy Chairman, Rajya Sabha, I want to ask a supplementary question in Question No.94. Please allow me to ask a supplementary" आप एक स्लिप बनाकर, पैड पर लिखकर पीछे मार्शल खड़े रहते हैं, उनको दे दीजिए, he will give it to the Chair. It is not necessary that all the slips that the Chair receives will be allowed for supplementary. But he will decide it out of those slips. दूसरा तरीका है कि आप अपना हाथ उठाएँ and the Marshall who is standing beside the Chair, वे पूरे हाउस को देखते रहते हैं और देखते हैं कि कौन हाथ उठा रहा है, वे तुरत नाम लिख लेते हैं, लेकिन इसके अंदर केवल तीन ही लोग allowed हैं। So, supplementary is

very important. You can get chance here. Ballot is by luck but supplementary is not by luck. If you make effort and meet the Chair explaining to him that earlier you didn't get the chance and today you want to ask a supplementary, he will give you chance. Suppose the question is on kerala or Tamil Nadu, Members from Bihar will not get chance because that question is confined only to Kerala or Tamil Nadu. मित्रो, ये कुछ तरीके हैं। After one o'clock, all the answers, even of the Unstarred Questions which are 160, इन सारे क्वेश्चन्स के आन्सर वहाँ लॉबी में रखे हुए होते हैं, you can go and pick your answer.

**श्री सुशील कुमार मोदी ( क्रमागत ):** या फिर वे वेबसाइट पर डाल दिए जाते हैं। By one o'clock, all answers are uploaded on the website. You can go and see you answers there. फिर ड्यूरिंग क्वेश्चन आवर, सपोज़ 12.00 बज गये, what will happen at 12 o'clock? The Chair will say. "Question No. 140" आप देखते हैं कि क्वेश्चन नम्बर दिया रहता है, तो जिसका क्वेश्चन नम्बर 140 है, वह खड़ा हो जायेगा या कहेगा, सर, क्वेश्चन नम्बर 140 अथवा खड़े भी हो गए, तो that means, you have asked the Question. Then, the Minister will say, "A statement is laid on the Table of the House." That means, the reply has already been laid on the Table of the House.

Now, what will happen if the Member, who has asked the question, is absent on that day? Earlier, what used to happen was that many Members used to deliberately absent themselves on that day. But now, even if a Member is absent, that question becomes the property of the House and other Members can ask supplementary questions on that Starred Question. So, that question will not lapse; that will be a part of the proceedings and you can ask supplementary questions on that.

### **Don't Disturb Q Hour :**

Then, there is no point of order during the Question Hour. During last ten day's so many points of order have been raised. But, during the Question Hour, no point of order is allowed. Another important thing is that we have seen it many times during the last

ten days that the Opposition Members say that they have given notice under Rule 267 for suspension of the Question Hour or suspension of the Zero Hour. सस्पेंशन ऑफ द जीरो ऑवर या क्वेश्चन ऑवर के लिए आप रूल 267 में नोटिस देते हैं, लेकिन मेरा एक आग्रह है कि कभी भी क्वेश्चन ऑवर को डिस्टर्ब मत कीजिए। यह हमारा अधिकार है। We ask questions. If the Question Hour is suspended, it is beneficial for the Government and the Member are at loss because they don't get a chance to ask the questions, grill the Ministers, elicit information and go into the details. इसलिए मेरा आग्रह है कि you may disturb other part of the proceedings. Zero Hour or other parts but please, we should try that the Question Hour should not be disrupted. मैं जब बिहार असेम्बली में था तब हम लोग क्या करते थे, क्वेश्चर ऑवर 11.00 बजे स्टार्ट होता था, तो पाँच मिनट वेल में जाकर नारा लगाया, फिर सीट पर लौट गए और 55 मिनट क्वेश्चन ऑवर को अलाउ कर दिया। So, both thing could be done. For five minutes, when we went into the Well of the House, we got publicity, and at the same time, all the Questions were also taken up because 55 minutes were there. But, all these things depend on the leaders of your parties because they decide these things. लेकिन मेरा यह कहना है कि जो क्वेश्चन ऑवर है, यह बहुत इम्पॉर्टेंट है, इसलिए आप इसको ध्यान में रखिए।

### **Publicity of Q:**

जब क्वेश्चन ऑवर हो गया, उसके बाद क्या है? The entire proceeding is telecast on Sansad TV. If you go and talk to the Sansad TV people, they can immediately send your clip on your mobile, even if you have asked on a supplementary question. You can put that clip on YouTube or your social media. Then, you can also put the answer, that is uploaded on the website, on the social media like Twitter or Facebook, and you can circulate that in your local newspapers also, अगर आपने कोई क्वेश्चन तमिलनाडु का पूछा, बिहार का पूछा, तो बिहार के न्यूज़पेपर में आप सरकुलेट कर देंगे, तो आपका जो क्वेश्चन है, वह वहाँ पर भी

छप जायेगा। I ask two questions daily. One is an all-India level question and another is a question relating to local issues because the local question will be covered only by the local newspapers and the all-India question can be covered by the national newspapers also. This may not be the formula for everybody. You have to decide your own formula. But, what I do is one national question per day and one local question per day.

डैशबोर्ड को कैसे खोलना है, एक बार प्रैक्टिस कीजिए because everything is online. If you want to see the chart, the Question chart is there, the Question Calendar is there and the ballot list is there. If you want to see what happened in today's ballot, all the question are there. If you want to search कि एक पार्टिकुलर मेम्बर सुशील कुमार मोदी ने कौन-कौन से क्वेश्चन्स पूछे, इसके लिए मेम्बर में जायेंगे, तो you can see all the questions asked by Sushil Kumar Modi at one place. If you want to see the Questions relating to the Steel Ministry, if you see Department wise and click on the Steel Ministry, you can see all the questions and their answers relating to that particular Ministry. इसलिए मेरा आग्रह है कि आप इसको जाकर देखिए, तो आपको पता चलेगा कि पुराना क्वेश्चन किस तरह से पूछा गया है। इसकी भी आपको और जानकारी मिल सकती है। Already, it is 2.45 p.m. The time is over, लेकिन मैं चतुर्वेदी जी से आग्रह करूँगा कि पाँच-सात मिनट के अंदर आप दो-तीन क्वेश्चन्स पूछेंगे, तो मैं रिप्लाई करने का प्रयास करूँगा।

**SHRIMATI JEBI MATHER HISHAM:** Sir, you said that based on your rich past experience, it would be better to put two questions per day. Can you please explain it further, like should it be a Starred Question or Unstarred Question or how we should manage the total number of questions in one day? I am actually still confused about these questions. So, without knowing how many questions, I just tried and put seven questions.

**SHRI SUSHIL KUMAR MODI:** Only one question is allowed for oral answer, that is, Starred Question. Even if you put two questions and if your name comes in the lottery, only one question will be allowed in the Starred Question. For Unstarred Question.

## How Q are Selected:

अगर बैलटिंग होती है, तो आप देखेंगे कि if 100 people have asked questions, in the balloting of Unstarred Questions, 1-100 names are there. So, What happens is that the ballot number one, अगर कोई एक मेम्बर सुशील कुमार मोदी is there, Sujeet Kumar is there, his one question will be selected at number one. नम्बर 10 पर उसका एक क्वेश्चन सेलेक्ट हो गया, 100 लोगों ने क्वेश्चन पूछा, तो 100 लोगों को एक-एक क्वेश्चन मिल गया। And, only 160 questions are allowed. So, the second round will start from 101. So, after 60, it will be stopped. तो जिनका बैलटिंग में 1 to 60 आया, केवल दो क्वेश्चन उनके पूछे जा सकेंगे और बाकी लोगों का केवल एक क्वेश्चन पूछा जा सकेगा। So, if you ask more than two questions or more than three there is very less chance. If you put three questions, there are chances of two, if you get the lottery in the first 100, then there are chances of your two questions coming as unstarred Questions also. So, don't put more than three questions. स्टार्ड क्वेश्चन के बारे में मैंने बता दिया है। स्टार्ड के आप दो क्वेश्चन डालेंगे, तो only one will come in the Starred Questions and the next question will be converted into Unstarred Questions.

**SHRIMATI JEBI MATHER HISHAM:** Even if it is Starred Question, it will automatically go to the Unstarred.

**SHRI SUSHIL KUMAR MODI:** Yes. But, remember, if it goes to the Unstarred अगर अनस्टार्ड में आपने दो क्वेश्चन पहले से डाल रखे हैं, that is, priority-1 and priority-2 then your Starred Question will become priority-3 is it clear? अगर आपने अनस्टार्ड में पी-वन, पी-टू डाला, दो क्वेश्चन डाले, प्रोयोरिटी वन-टू, उनमें से एक सेलेक्ट हो गया, तो the next question for Starred will become P-3 of Unstarred. First, the P-1 and P-2 of Unstarred will be taken care of and if your quota still remains, then you will get the third chance.

**SHIR SUSHIL KUMAR MODI (CONTD.):** if 100 Members ask questions, only 60 Members will get second chance because only 160 are allowed. अगर आप दो क्वेश्चंस अनस्टार्ड में डालियेगा तो स्टार्ड के

अंदर लाटरी है। So, either you put two Starred Questions and one Unstarred Question or maximum 3; अदरवाइज इसका कोई बेनिफिट आपको नहीं मिलेगा।

**श्री इमरान प्रतापगढ़ी:** सर, मेरा एक सवाल है कि सत्र चल रहा है, सत्र के दौरान कोई महत्वपूर्ण मुद्दा है, जिस पर हम सवाल पूछना चाहते हैं तो किस प्रोसेस के तहत हम सवाल पूछ सकते हैं?

**श्री सुशील कुमार मोदी:** मैं इस पर समय नहीं लगाऊँगा, क्योंकि इसीलिए मैंने exceptional चीजों को नहीं लिया है। I have only taken those which are routine things and are happening daily. I was earlier a Member in the Lok Sabha in 2014. There are exceptional things. There is a provision for that also, but I will not spent time on that. We can discuss it somewhere else. Do you have another question?

**श्री इमरान प्रतापगढ़ी:** सर, प्राइवेट मेम्बर्स बिल सब्मिट करने का क्या प्रोसीजर है?

**SHRI SUSHIL KUMAR MODI:** Private Members' Bill is another thing. This is only for Questions. That is a different thing.

**SHRI SANDOSH KUMAR P.:** Sir, if we find that the answer is unsatisfactory or not according to the facts, what is the remedy left?

**SHRI SUSHIL KUMAR MODI:** There is a remedy. But in the last many years, I have not seen it being challenged. If you go through the Rules Book, you will find that if you are not satisfied with the answer, you can ask question in the next Session. Or in the next week, you can ask saying that the answer was unsatisfactory. But normally this does not take place. If the answer is unsatisfactory, it is your luck.

**SHRI SANDOSH KUMAR P.:** The point is sometimes the answer is not according to the facts.

**SHRI SUSHIL KUMAR MODI:** you can challenge it. But you cannot challenge it immediately. Because the Chair will ask for the next supplementary question. A Minister will answer whatever he wants to answer. You can't challenge or debate it at that time. Because next supplementary question will be there. There are other methods to challenge that. We can discuss that in another session. Not in this session.

**श्री सुजीत कुमार:** सुशील जी, आपने बताया that Question Hour is a very important tool to ensure accountability of the Executive to the Legislature. But the unfortunate reality is that even Question Hour is getting disrupted. We have seen that. if my question has been balloted as a Starred Question, then, I am entitled to two supplementary questions. But because of disruption in the House, it is not functioning and Questions. Hour is not happening, lose the opportunity of asking those tow supplementary questions. Can a mechanism be devised so that a Member gets an opportunity to ask two supplementary questions?

**SHRI SUSHIL KUMAR MODI:** As of today, there is no such provision. It is for the Chairman to decide. It is for the Parliament to decide. They can decide everything and anything.

**DR. V. SIVADASAN:** What can we do if a Minister gives different answer to different Members?

**SHRI SUSHIL KUMAR MODI:** There are methods. But you can't do anything immediately. It can only happen in the next session. And in this session, if you get a chance, there is a method for that also. But in this short session on 'Question Hour', it will be difficult to discuss this exceptional thing. Many times it happens that a Minister skips the answer and he is very flimsy, बहुत हल्के-फुल्के से जवाब दे दिया। There is no way out. You can't challenge that at that time because the Chairman calls next questioner, So you can't do anything. You can do that, but I have not seen anything taking place in such situations.

**SHRI ANEEL PRASAD HEGDE:** Sir, did you say it is not necessary that our questions get selected if we ask more questions? I am under the impression that if you ask more questions, chance of your questions getting selected increases.

**श्री सुशील कुमार मोदी:** हेगडे जी, एक बात जो मैंने बताई, वह आप फिर समझ लीजिए। Only 160 questions are allowed in Ustarred Questions. There is a lottery. अगर सौ लोगों ने क्वेश्चन पूछा तो एक से 100 तक सब को एक-एक क्वेश्चन मिल गया. 100 के बाद सेकेंड राउंड जब होगा तो another 60 क्वेश्चंस एग्जॉस्ट हो जाएँगे। Even if you ask three questions, maximum you can get two. अगर 160 के बाद एग्जॉस्ट हो गये, तो अगर आप दो क्वेश्चन डालेंगे और अगर आपका बेलटिंग में 20 आ गया, 30 आ

गया, 40 आ गया, then you can have a chance of two questions in Unstarred Questions. Otherwise, you will get only one question. It is not a good idea to put four or five questions. उसका क्या नुकसान है, मैं अलग से आपको बताऊँगा। अभी समय नहीं है, ज्यादा क्वेश्चंस डालने का परिणाम नुकसान में होगा। Then you can't put new questions in the next Session. तो मैं अभी उसके बारे में नहीं बताऊँगा, आप अलग से हमसे पूछेंगे तो मैं उसके बारे में बताऊँगा।

मित्रों, मैं धन्यवाद देना चाहूँगा, राज्य सभा सचिवालय को और सारे अधिकारियों को, जिन्होंने मुझे इस सत्र को लेने का मौका दिया। आप सभी लोगों का बहुत-बहुत धन्यवाद।

**SHRI S. JASON:** Thank you very much, Sir, for this information session. As a token of appreciation, we would like to present you a small memento.

**(A memento was presented to Shri Sushil Kumar Modi)**

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JUNE 10-11-2022

ADDRESS BY:  
SHRI SUSHIL MODI  
HONOURABLE MEMBER OF PARLIAMENT  
RAJYA SABHA

**श्री सुशील कुमार मोदी:** सबसे पहले मैं भारतीय संसद की ओर से आपका अभिनंदन करता हूँ, स्वागत करता हूँ।

मित्रों, मुझे पता नहीं कि आपको संसद भवन देखने का मौका मिला या नहीं मिला? मैं संसद में बहुत दिनों से हूँ, लेकिन फिर भी मुझे बहुत सारी चीजों की जानकारी नहीं थी। यहाँ जो हिस्टोरिकल साइट्स हैं, प्लेसेज़ हैं, जहाँ सुप्रीम कोर्ट की पहली मीटिंग हुई, तो ऐसी बहुत सारी चीजें हैं, जो हिस्टोरिकल हैं। अतः एक अच्छा गाइड आपको पूरे कैम्पस को घुमाकर दिखाएगा।

### **Basic function of committees :**

मित्रों मुझे आज जो विषय दिया गया है, वह पार्लियामेंटी कमेटीज का है। As you all know that the Parliament is having an average sitting of 67-75 days per year. So, what happens in the remaining time? In the State Assemblies, they function for 30-35 days.

What is the basic function of the Parliament? The basic function of the Parliament is to make laws, पार्लियामेंट का पहला काम लॉ बनाना है। जो दूसरा काम है, वह है oversight of the Executive branch, and the Parliament has many instruments for its effective functioning like Zero Hour, Question Hour. ये इंस्ट्रूमेंट्स हैं, जिनके द्वारा पार्लियामेंट कैसे इफैक्टिव तरीके से फंक्शन कर सके। इसका प्रयास होता है इसी इफैक्टिव फंक्शनिंग का एक इंस्ट्रूमेंट कमेटी सिस्टम है।

Due to paucity of time and large volume of work it is not possible to deliberate on Bills or the Budget extensively because we only have 67 days. For example, there is a general debate on the Budget, but only 5-6 Departments are taken for detailed discussions in the Parliament. if we start discussing each and every Department, then it will take 2-3 months to deliberate on those Departments. So, hardly 4-5 important Departments are taken up for discussion and rest are being passed by applying guillotine. ऐसा इसलिए होता है, क्योंकि समय नहीं है, समय कम है और वॉल्युम ऑफ वर्क बहुत ज्यादा है।

इसलिए, कमेटी सिस्टम इवाँल्व हुआ। This is also known as mini-Parliament अर्थात्, पार्लियामेंट के पास जो पावर है, जो अधिकार हैं, वे सारे अधिकार इन कमेटीज को भी है। इसलिए, इनको मिनी-पार्लियामेंट भी कहते हैं। इन डिफरेंट कमेटीज में तीन प्रकार से लोग नॉमिनेट होते है या अपॉइंट होते हैं। Either they are appointed or they are nominated or they are elected. In most of the important Committees सिंगल ट्रांसफिरेबल वोट के द्वारा मेंबर्स का इलेक्शन होता है और वे उन कमेटी के मेंबर्स बनते हैं।

In order to monitor the functioning of the Executive Legislature provides various policy inputs. कमेटीज के अंदर डिटेल्ड डिस्कशन करने का मौका मिलता है। इसलिए, कमेटीज का महत्व पूरी दूनिया में है। जहाँ भी डेमोक्रेसीज हैं, चाहे वह यूके हो, अमेरिका हो हर जगह कमेटीज सिस्टम है। यह अलग बात है कि अमेरिका का कमेटी सिस्टम हम लोगों की तुलना में बहुत पावरफुल है।

### **Different Committee :**

पहली कमिटी फाइनेंशियल कमिटी है। Secondly, there are Department-related Standing Committees. The word itself explains that each and every Department of the Government of India is having a Standing Committee. There may be more than 2-3 Departments in one Standing Committee, but all the Departments of the Government of India are covered in one or the other Standing Committee.

इसके अलावा कुछ अन्य स्टैंडिंग कमेटीज हैं, जिनको एडमिनिस्ट्रेटिव कमेटीज भी कहते हैं। इसके अलावा सिलेक्ट कमेटीज हैं। सिलेक्ट कमेटी का मतलब होता है कि a subject has been selected, and the Select Committee is there to discuss about a particular Bill. इसके अलावा जॉइंट पार्लियामेंट्री कमेटी होती है।

## **Financial Committee :**

पहली फाइनेंशियल कमेटीज हैं। These are the most powerful Committees of the Parliament. Even in all the State Assemblies these Financial Committees are there. There are three Financial Committees. First one is the Public Accounts Committee.

दूसरी है-कमेटी ऑन पब्लिक अंडरटेकिंग्स। इसके नाम से स्पष्ट है कि जो पीएसयूज हैं, उनके बारे में विचार करने के लिए यह कमेटी ऑन पब्लिक अंडरटेकिंग्स है। तीसरी, एस्टिमेट्स कमेटी है। ये तीन फाइनेंशियल कमेटीज हैं।

## **Public Accounts Committee :**

इंडिया की पार्लियामेंटी डेमोक्रेसी में जो सबसे पुरानी कमेटी है, वह पीएसी है। इसे वर्ष 1921 में कॉन्स्टिट्यूट किया गया था। Montagu-Chelmsford Reforms के बाद पब्लिक अकाउंट कमेटी का गठन हुआ था। शुरू के दिनों में, जो फाइनेंस मिनिस्टर होते थे, वे ही इस कमेटी के चेयरमैन होते थे। आजादी के बाद नॉर्मली ट्रेडिशन है कि जो अपोजीशन का मेंबर होता है, वह पब्लिक अकाउंट्स कमेटी का चेयरमैन होता है। Though it is not written in the Rule book, but it is the tradition that the Leader of the Opposition or any senior Member from the Opposition Chairs the Public Accounts Committee. वर्तमान में पार्लियामेंट की पब्लिक अकाउंट्स कमेटी के चेयरमैन श्री अधीर रंजन चौधरी, जो कि कांग्रेस के नेता हैं और लीडर ऑफ अपोजीशन भी है।

CAG की जो रिपोर्ट आती है, उस पर डिस्कस कर अपना रिकमंडेशन देती है। जो एप्रोप्रिएशन अकाउंट है, उस पर डिस्कस करने का काम पब्लिक अकाउंट्स कमेटी करती है। The Public Accounts Committee and the Public Undertakings Committee are a joint Committee of the Parliament, that is it has Members from Lok Sabha as well as Rajya Sabha, but the Chairman is always from the Lok Sabha. यह पहली फाइनेंशियल कमेटी है।

### **Committee on Public Undertaken :**

दूसरी कमेटी है कमेटी ऑन पब्लिक अंडरटेकिंग्स है। यह कमेटी PSU's की रिपोर्ट्स को एग्जामिन करती है। 1964 में श्रीकृष्ण मेनन समिति की रिक्मनडेशंस पर यह कमेटी बनाई गई थी। Both these Committees have 15 Lok Sabha Members and 07 Members from Rajya Sabha. So, there are a total of 22 Members including the Chairman. All these Members are being elected through proportional representation and single transferrable vote.

### **Estimate Committee :**

तीसरी, एस्टिमेट्स कमेटी है। All the 30 Members of this Committee are only from Lok Sabha. Here also, the Members are elected through proportional representation and single transferrable vote. Normally, the ruling-Party member is the Chairman of this Committee. Basically, its function is to see budget Estimates that affects the economy, and suggest alternative policies so as to bring reform and efficiency. अतः ये तीन फाइनेंशियल कमेटीज हैं, जो पार्लियामेंट की सबसे पावरफुल कमेटीज मानी जाती हैं।

### **Other Standing Committee :**

मित्रों इसके बाद स्टैंडिंग कमेटीज का विषय आता है। Standing Committees mean that they are never dissolved. The membership is confined only for one year but the Committee is never dissolved.

जैसा मैंने बताया, स्टैंडिंग कमेटीज भी दो तरह की होती हैं—एक, डिपार्टमेंट रिलेटेड स्टैंडिंग कमेटी और दूसरी, अन्य स्टैंडिंग कमेटी, उदाहरण के लिए कमेटी ऑन प्रिविलिज, कमेटी ऑन पेटिशन, कमेटी ऑन एथिक्स। ये जो कमेटीज हैं, लोक सभा की अलग कमेटीज हैं और राज्य सभा की अलग कमेटीज हैं। अगर आप टोटल कमेटीज का नम्बर देखेंगे, there may be more than 75 committees if you combine both the Houses, Lok Sabha and Rajya Sabha. Most of the Committees have Members from both the Houses but there are certain Committees in which members are from a particular House. सरकार सदन के अंदर जो एश्योरेंस देती है, उसका इम्प्लीमेंटेशन हुआ या नहीं, उसको देखने के लिए एश्योरेंस कमेटी है। सबोर्डिनेट

लेजिस्लेशन कमेटी और पेपर्स लेड ऑन टेबल कमेटी हैं। बिजनेस एडवाइजरी कमेटी - जब हाउस चलता है तो हाउस के अंदर क्या बिजनेस होगा, उसके लिए कमेटी है। कमेटी ऑन रूल्स है। फिर हाउस कमेटी है- किस मेंबर को कौन सा घर मिलेगा, यह डिसाइड करने के लिए हाउस कमेटी है। जनरल परपज कमेटी, कमेटी ऑन प्रॉविजन्स ऑफ कम्प्यूटर इक्विपमेंट टू मेंबर्स ऑफ राज्य सभा, कमेटी ऑन एमपीलैड फण्ड आदि कमेटीज हैं। मैंने केवल कुछ नाम आपको बताए हैं। ये कमेटीज लोक सभा की अलग हैं और राज्य सभा में अलग हैं। इन कमेटीज को हम एड-हॉक कमेटीज भी कह सकते हैं। इनके अलावा कुछ अन्य कमेटीज हैं, जैसे वेलफेयर ऑफ एससी एंड एसटी कमेटी, कमेटी फॉर प्रॉविजन ऑफ फेसिलिटीज टू मेंबर्स, ज्वाइंट कमेटी ऑन सैलरीज एंड एलाउंसमेंट, ज्वाइंट कमेटी ऑन ऑफिसेज ऑफ प्रॉफिट, लाईब्रेरी कमेटी, कमेटी ऑन इम्प्रावमेंट ऑफ वीमेन - ये कुल मिलाकर कमेटीज हैं। और ज्यादातर कमेटीज ऐसी हैं जो दोनों हाउसेज की अलग-अलग कमेटीज हैं।

### **History of Department Related Standing Committee (DRSC) :**

फाइनेंस कमेटीज के बाद जो सबसे महत्वपूर्ण कमेटी है वह डिपार्टमेंट रिलेटेड स्टैंडिंग कमेटी है। इसकी शुरुआत 1989 में लोक सभा से हुई। उससे पहले डिपार्टमेंट रिलेटेड स्टैंडिंग कमेटीज नहीं थीं। It was a subject based Committee. Even in the States, as on today, most of the State do not have department related standing committees. They have subject based committees. राज्यों के अंदर सब्जेक्ट के बारे में विचार करने के लिए कमेटीज होती हैं, लेकिन यहाँ पर, जैसा मैंने पहले बताया कि 1989 में लोक सभा में तीन सब्जेक्ट बेस्ड कमेटीज बनीं - कमेटी ऑन एग्रीकल्चर, कमेटी ऑन साइंस एंड टेक्नोलॉजी और कमेटी ऑन एनवायरनमेंट एंड फॉरेस्ट। इनमें 15 मेंबर्स लोक सभा से और 7 मेंबर्स राज्य सभा से थे। इस प्रयोग की सफलता को देखते हुए, राज्य सभा में 1992 में तीन और कमेटीज बनीं - कमेटी ऑन ह्यूमन रिसोर्स डेवलपमेंट, कमेटी ऑन इंडस्ट्री और कमेटी ऑन लेबर। |But still, they were not department related, they were subject based standing committees which have members from both the Houses.

## **Number of DRSCs :**

31 मार्च, 1993 को पहली बार 17 डिपार्टमेंट रिलेटेड स्टैंडिंग कमेटीज का गठन किया गया। 2004 से पहले 7 और कमेटीज का गठन किया गया। Now there are 24 department related standing committees and the Members devote about 80 per cent of their time to these Committees only क्योंकि ये डिपार्टमेंट रिलेटेड स्टैंडिंग कमेटीज साल भर चलती रहती हैं, इनकी मीटिंग हर दस दिन में एक बार होती है। इन 24 कमेटीज में 8 कमेटीज के चेयरमैन राज्य सभा से होते हैं और बाकी 16 कमेटीज के चेयरमैन लोक सभा से होते हैं। So, 16 Committees are governed under Lok Sabha and 8 Committees are under the jurisdiction of Rajya Sabha.

## **Agenda & Stakeholders views, Reports :**

प्रत्येक वर्ष के सितम्बर माह में डिपार्टमेंट रिलेटेड स्टैंडिंग कमेटी की पहली मीटिंग होती है, तब वे एजेंडा तैयार करते हैं कि साल भर में किन-किन एजेंडा पर, किन इश्यूज पर हमें काम करना है। उदाहरण के लिए, मैं जिस कमेटी का चेयरमैन हूँ- कमेटी ऑन पर्सनल, पब्लिक ग्रीवेंसेज, लॉ एंड जस्टिस-उसमें हम लोगों ने इस साल के लिए एजेंडा तय किया- Functioning of Virtual Court Information Commission - ऐसे हर कमेटी अपना साल भर का एक एजेंडा तैयार करती है कि इस साल किन-किन इश्यूज पर हम डेलिब्रेट करेंगे। ये इश्यूज उनके डिपार्टमेंट से रिलेटेड होंगे। फिर जो एजेंडा पेपर तैयार होता है, वह सदन के पटल पर ले किया जाता है। जैसा मैंने आपको बताया है, we invite the stakeholders, domain experts, citizens, for threadbare discussion and taking their feedback, and if somebody fails or refuses to attend the meeting, the Committee has the power to summon him but till now कोई ऐसा मौका नहीं आया कि किसी को समन करना पड़ा हो। We also call Government officials to know Government's view and stand on a particular issue.

हम स्टडी टूर करते हैं, जैसे अभी हम लोग मसूरी गए, वहां इंस्टीट्यूट की स्टडी करने के लिए गए। We can insert advertisements in the newspapers. खासकर जब किसी बिल को डिसकस करते हैं, तब हम

न्यूजपेपर्स में एडवर्टीजमेंट इन्सर्ट करते हैं, ताकि हम पब्लिक ओपिनियन हासिल कर सकें। There is a process of voting in those Committees because the reports which are prepared pass through a majority vote. लेकिन आज तक कभी इस तरह का मौका नहीं आया, जिसमें वोटिंग की जरूरत पड़ी हो। Normally, it is the unanimous decision but if any Member wants to give a note of dissent, he is allowed to give a note of dissent.

### **Secretariate of Committee :**

यहाँ का सेक्रेटैरिएट बहुत स्ट्रॉंग हैं They are very talented and qualified young people. They assist these Committees and they provide secretarial assistance because they prepare the report. They take the deliberations. Verbatim report आदि सारी चीजों को वे तैयार करते हैं।

### **Procedures of Committee Functioning :**

There is a quorum of 1/3<sup>rd</sup>. नॉर्मली वैसे जरूरत नहीं पड़ती है, लेकिन एक-तिहाई सदस्यों का कोरम इसमें होता है। conflict of Interest नहीं होना चाहिए। मान लीजिए, मैं कोई कंस्ट्रक्शन कंपनी या रोड बनाने वाली कंपनी चला रहा हूँ तो I should not be a Member of MoRTH Committee which deals with MoRTH.

अगर लगातार दो बार कोई मॅबर कमेटी की मीटिंग में नहीं आता है तो स्पीकर चाहें तो उस मॅबर को डिबार कर सकते हैं कि वह आगे की मीटिंग्स में भाग न ले सके। जो रिक्मेंडेशन्स हैं, जो रिपोर्ट्स तैयार होती हैं, ये गवर्नमेंट के लिए बाइण्डिंग नहीं हैं। गवर्नमेंट उनको एक्सेप्ट कर सकती है और रिजेक्ट भी कर सकती है। नॉर्मली, हम लोग जो रिपोर्ट देते हैं, उसके जवाब में सरकार जवाब देती है किस रिक्मेंडेशन को एक्सेप्ट किया और किसे एक्सेप्ट नहीं किया, उसका रीजन बताती है कि क्यों ऐसा किया गया। फिर कमेटी उस पर विचार करके, एक्शन टेकेन रिपोर्ट पार्लियामेंट के अंदर ले करती है। इस तरह से हम दो बार रिपोर्ट ले करते हैं—एक बार जब रिपोर्ट आ जाती है, तो उसे हाउस के अंदर ले करते हैं। अगर हाउस नहीं चल रहा है तो हम उसे स्पीकर या चेयरमैन को सब्मिट करते हैं।

(1320/RAJ/KMR)

उसके बाद जो ऐक्शन टेकेन रिपोर्ट आती है उसको भी सदन के पटल पर रखते हैं।

### **Select Committee:**

There is one Select Committee. यह कमेटी पर्टिकुलर बिल के लिए बनती है। यह उसी हाउस की कमेटी बनती है। It is not a Joint Committee. It may be only of Lok Sabha or of Rajya Sabha to discuss about a particular Bill. अभी हाल के दिनों में इश्योरेस लॉ, प्रिवेंशन ऑफ करप्शन एक्ट, एनिमी प्रॉपर्टी, सरोगेसी रेग्युलेशन बिल, 2019 पर सेलेक्ट कमेटी बनी। So, a Select Committee is formed for a specific purpose, to examine a particular Bill. Its membership is limited to MPs from one House.

### **Joint Parliamentary Committee:**

एक ज्वाइंट पार्लियामेंट्री कमेटी होती है। बायो-डायबर्सिटी बिल पर एक ज्वाइंट पार्लियामेंट्री कमेटी बनी हुई है। ज्वाइंट पार्लियामेंट्री कमेटी डिपार्टमेंट रिलेटेड कमेटी से अगल है। आपको याद होगा कि स्पेक्ट्रम घोटाला पर बहुत हंगामा हुआ था, तब स्पेक्ट्रम पर एक ज्वाइंट कमेटी बनी थी। ज्वाइंट पार्लियामेंट्री कमेटी में दोनों हाउस के माननीय सदस्य होते हैं। वे उस पर्टिकुलर इश्यू पर चर्चा करते हैं।

मैंने आपके सामने डिफरेंट कमेटीज का जिक्र किया है। मैंने इसके लिए काफी समय लिया, मुझे लगा कि कमेटी सिस्टम के बारे में आपसे डिटेल्ड जानकारी साझा की जाए।

**धन्यवाद**

# **Addressing TIOL TAX CONGRESS, 2022 on 5 year of GST**

*8th Nov., 2022 at Taj Palace, New Delhi*

Jury member, Shri Anup Vikal ji, Shreemati Praveen Mahajan ji and the trustee of TIOL, Shree Shailendra Kumar Ji and friends present here in this program. I must thank Shailendra Kumar ji for organizing such type of programme of tax experts, tax administrators and other people connected with the world of taxation.

Last year also, I attended TIOL Tax Congress and I think that TIOL is the only organization in this country which has the capacity to organize such huge massive functions with experts joining from all over the country. They are also being awarded. Once again I thank Mr. Shailendra Kumar for organizing such programme. Friends, I am fortunate enough that when VAT was implemented, I became Finance Minister and Deputy Chief Minister of Bihar in the year 2005. So I've seen very closely the implementation of VAT and when GST was planned or being implemented, I was very closely associated with the GST too.

I am not a tax expert. I am a political activist and try my best to understand the issues which confront the taxpayers and the common man. So, I would only mention and discuss just one issue - that is regarding the rate of GST. It was only yesterday, Dr Bibek Debroy (I only read in today's newspaper) who was here yesterday, discussed about single rate of GST, and last week, I read an article by Mr. Vijay Kelker who also wrote an article that there should be a single rate of GST in India.

In my address, I would try to put forward by point - Is it possible to have a single rate of GST in India? *Kya yah sambhav hai? Kya yah uchithoga?* GST has been implemented in more than 160 countries

and there are about 40 different models. When the EU which has 27 member-countries, has not gone for single GST rate, how is it possible for a country like India to opt for a single tax rate?

In the EU, the standard VAT rate varies from 17 % to 27 %. France has seven rates - 20 percent, 5.5 percent, 10 percent, 8.5 percent, 2.1 percent, 1 per cent and 0.5 percent. Ireland has three tax slabs; three in Poland; five in Italy and two in UK. Not a single country in the entire European Union is having a single tax rate. Many of them have three tax slabs. Just a few countries have two tax slabs. There are nine countries in the European Union which are having four slabs - Cyprus, Czechoslovakia, Finland, Greece, Luxembourg, Malta, Poland, Sweden and Monaco. There are four such countries which are having more than four slabs – 7 in France, 5 in Ireland and 5 in Italy.

I am not an economist but one should be pragmatic enough to understand the majestic scale of diversity in India. All of us know that there are three standard rates (Demerit rate of 28 percent stands apart) - 5%, 12% and 18%. These are the most important three tax slabs of GST.

Let me now help you recall how many tax rates were there in pre-GST regime! You will be surprised to know that there were 20 different tax rates in the sales tax era. The revenue neutral rate for GST is 15.5% but the present average rate is only about 11.5%!

There is another misnomer, mostly, not among the tax experts but among the people, that after GST, the tax rates have increased as the excise part was not visible earlier to the consumer. So if somebody is going to purchase a TV or going to purchase a Washing machine, consumer could only see the VAT rate as the Excise duty part was not visible. So if you add the excise duty to the VAT, there is not a single commodity in the GST regime where the GST rate is higher than what it was in the previous regime! I would like to mention some of the items like hair oil, toothpaste, paints which attracted 29.3% in pre-

GST Regime. What is the tax rate today - only 18%. For Sugar, it was earlier 6% and now 5% ; sweets from 7% to 5%, TV up to 32 inches 31.3% and now only 18% and LED lamps from 15% to 12% now. When we were finalising GST rates, a major bone of contention was – how to conceal excise duty and where there was any mechanism to do it? But, none was found!

Dr Debroy has also suggested that there should not be any exemptions! I would like to cite just one example – A few weeks back, the GST Council decided to levy 5% tax rate on pre-packed and labelled but not branded goods. Items like curd, lassi, wheat, pulses and flour which were earlier exempted, now attract 5% tax rate. However, a perception was created by the media that the Modi Government has imposed 5% levy on all exempted goods. However, the truth is – it was done on the basis of recommendation of the GoM which also had non-BJP ruled States as Members who also supported this decision. There was no dissent from any Member but it was protested against and the Parliament could not function for many days!

Let me also reiterate that food grains were not exempted in the pre-GST regime. In many of the southern and western states there was VAT on food grains but nobody remembers the history. I travelled eight countries just to study GST. I was the Chairman of the Empowered Committee of State Finance Ministers and led a big delegation of FMs and tax officials. Having studied the tax rates in those countries, I can now say that single rate is not possible in India. But yes, three rates can be compressed into two slabs – 18% may be reduced to 15% but 5% will also go up! It is not an easy task! This is more so when inflation is ballooning across the world. It is 7% even in India. At this stage, even if the GST Council desires to rationalize the rates, it cannot do so! I personally do not see such rationalization for the next two years.

When the tax rates recently went up on petrol and diesel, I heard the noisy demand that it should be brought under GST. If it is done, States will get 14% and Union govt will get 14%. The total will be 28% but the total loss of revenue to the Centre and the States will roughly be over Rs 4 lakh crores! Such a mountainous loss means no government would be able to do development works. Worldwide, dual tax structure is in place which means over and above GST levy and such a tax is not VATable. In nutshell, I can say that it is presently not possible to bring petrol and diesel under GST! At least for the next 5 to 7 years, I do not see it happening.

I have seen the journey of GST from close quarters and I would like to credit the duo of Shri Narendra Modi and late Arun Jaitley who brought all stakeholders on one table and the consensus resulted in implementation of GST. In coming years, change will certainly come but slowly! Dhanyavad!

# **Addressing TIOL TAX CONGRESS, 2022**

## **on**

### **Post Compensation in GST**

*8th Nov., 2022 at Taj Palace, New Delhi*

The Hon'ble Finance Minister of Tamil Nadu, Mr Thiagarajan, the former Finance Minister of Punjab, Mr Manpreet Badal, the respected CEO of TIOL, Mr Shailendra Kumar and respected Mr R Sridhar and friends.

I delivered a short speech in the morning session and so did not require a speech in this session. Yet I would like to say a few words at the insistence of my host, Mr Shailendra Kumar.

I would like to say to Mr Shailendra Kumar, that the book which he has authored, and which I am sure you all must have a copy of, is one of its kind, a compendium on the subject of GST. Its articles extensively cover the entire journey of GST. I extend my hearty congratulations to Mr Shailendra Kumar for this achievement.

In the morning session, I had spoken on the scope of levying GST on Petrol and Diesel and a single rate of GST. In this session, I would like to touch upon the subject of Compensation Cess. As you all know, the five year assured 14% growth has come to an end on June 30, 2022. At the time of its launch, it was assured by the Centre that every state would have 14% year on year growth and that any shortfall would be compensation from the Compensation Cess Fund. It was also clarified that this compensation would not be given from the Consolidated Fund of India.

A separate fund, namely the Compensation Cess Fund, had been created. Cess was levied on Pan Masala, Coal, Tobacco, Aerated drinks, Automobiles, over and above 28% GST. The cess so levied was deposited in the Compensation Cess Fund and the States were compensated from it in case of any shortfall in year on year growth.

Friends, I would also like to mention that though the GST Council

assured 14% YoY growth, in the pre-GST period, the average growth rate of a State was 8.9%. So it is not the case that states were having 15-16% YoY growth. In Pre-GST period, the RBI conducted a study on state of finances, wherein from 2015-16, what was the average growth all over the country. 18 non-special category states recorded growth only of 8.9% or less, whereas the States had been assured 14% growth.

Friends, I would also like to state that when GST was implemented, the first three years went on well and there was very small amount of revenue shortfall. However, in the fourth year when the COVID 19 pandemic began, the journey of GST was impacted negatively and States' revenue shortfall began to increase. Then the Centre stated that it had assured 14% growth to the States and that despite the Centre was not collecting enough revenue due to the pandemic, the Centre would borrow money from the market and provide it to the States.

I would like to state that Rs 2,69,000 crores were borrowed by the Centre through the RBI for providing Compensation to the States. I would like to remind that the compensation was not to be provided from the Centre's own kitty and any compensation given would be given from the Compensation Cess Fund. However, due to the lack of growth of revenue during the pandemic, Rs 2,69,000 crores were borrowed by the Centre to assist the States.

Now many states demand that the five year period should be extended. I would like to State that such period has already been extended till March 2026. Hence the compensation to be given to the States has been extended. However, the revenue generated in this period till 2026, must also be utilised towards repayment of the loan of Rs 2,69,000 crores that was taken by the Centre, along with interest and the arrears of the State Govt has to be repaid. Hence the total amount to be repaid is around Rs 6,00,000 crores including the principal and the interest amounts. Hence the States should consider that the period for giving compensation has already been extended. Whatever amount is collected will be paid to the States as arrears and will be repaid as principal and interest amount.

Hence the States must learn to live without compensation cess. On discussion with Mr Manpreet Badal, I learnt that the State of Punjab faces a shortfall of about Rs 20000 crores. So about Rs 1 lakh crores is a shortfall faced by the States for 2022-23, since the States will not be receiving any compensation from the Compensation Cess Fund. This poses a serious challenge for the States.

So what is the way out? The cess amount cannot be increased, since it is already at its highest point. The GST rates cannot be increased. Cess cannot be imposed on any new items, since there are no other items on which cess can be imposed. Hence States must learn to live with this shortfall.

It is also very difficult to raise new taxes due to the Russia-Ukraine war crisis and the challenges posed by inflation.

So what is the way out? The answer is in rate rationalisation, review of exemption, plugging of leakages, audit and scrutiny of return, control & validation of registrations and preventing frauds.

I donot think there is any other alternative, since in these circumstances, no new tax can be levied. In the morning session, I spoke i detail of 5% GST levied on foodgrain items. It caused such a hue and cry in the whole country. Hence no new taxes, cesses can be imposed and no new items can be included for imposing cess. Hence the States must face the shortfall of Rs 1 lakh crores. The States are obliged to chalk out plans to meet this shortfall.

Hence I thought it relevant to raise these issues before the present gathering of tax experts. I have tried to explain the issues faced by the States.

I would also like to touch upon another issue. There was a landmark judgment in the case of Mohit Minerals. This judgment was widely misinterpreted in the media. This sent a very incorrect message, that the States have absolute freedom to levy GST. This is not true. Much is being tried to be read into the judgment of the Apex Court, but the Hon'ble Court has only reiterated what is explicitly stated in the Constitution.

The GST Council has always been an recommendatory body and is not a mandatory body. It can only make recommendations to the States. There is nothing new in the Mohit Minerals case and it simply re-iterates that what is already mentioned in the Constitution. It could not have been otherwise in a democracy where the legislature reigns supreme. State Legislature reigns supreme in matters of taxation and need not follow diktats of anyone.

However, can the judgment in Mohit Minerals be interpreted to mean that any State can bring about any deviation in the GST regime and whether any State would attempt to do so? Suppose some State does not follow the recommendation of the GST Council, what would be the consequence? No other State would do business with such State. Also the IGST is there. So if any State deviates from the recommendation of the GST Council, it will be at a disadvantage.

Therefore in the preceding days, when 5% GST was imposed on foodgrains, all the State Governments were part of that decision - it was a unanimous decision - there was no voting on it. However, no State Government dare not implement this recommendation, even if they made political statements outside the Council. No State backed off from levying this 5% GST and all States implemented it and are implementing it.

I simply wish to say that the GST Council is the best example of cooperative federalism. Within 75 Years of Independence, there is no better example of cooperative federalism. In the last 6-7 years, not a single decision was taken by voting - each and every decision was taken without voting - it took place unanimously. There was voting only once on GST - on the issue of Lottery. One State Govt wanted voting even though they knew they would lose it. Yet this courtesy was extended to it. Apart from that, there has not been voting on any other issue. Hence I would like to reiterate that there is no better model of cooperative federalism than the GST Council.

Some people heaved the issue of equal voting right in GST council of Big and small states. In this context, if you would like to give example of USA. They have 50 States in the Union - big and small

ones. However, each state has only 2 members in the Senate. A large state like California has only 2 members in the US Senate as does a smaller state such as Arizona.

Similarly in the GST Council, small States such as the Northeast States, have the voting right exactly the same as the voting right which a bigger State has.

So friends, even though there are many lacuna and shortfalls, as there are bound to be in any tax systems, yet the GST Council has functioned in a very commendable manner. Any issues are being jointly resolved by the members of the GST Council.

Friends, I feel that since Independence, no other body has been set up which is comparable to the GST Council. It would be my suggestion that for other subjects such as agriculture, health etc, there should be a body like GST Council - where Centre and State Governments sit together to resolve the issues and take a unanimous decision.

So I feel that other Departments also need an organisation such as the GST Council.

Friends, I would like to extend thanks to Mr Shailendra Kumar, and I would like to rest my arguments.

Jai Hind. Jai Bharat.

## **Governance of tech giants needs a robust protocol**

*The Economic Times* में 21 नवम्बर, 2022 को प्रकाशित लेख

The Competition Commission of India (CCI) in a recent order has imposed a total fine of more than Rs 2200 crore on Google for its monopolistic policies in the Android devices market and with regards to its Play Store policies. Technology giants like Facebook, Google, and Apple are facing worldwide opprobrium. In different parts of the world, they continue to face regulatory and legal proceedings on account of the misuse of their oversized monopolistic presence. This was expected because they seem to owe much of their booming revenue and profits to the misuse of their dominant position. Australia's antitrust regulator has demanded more powers to check Google's use of its dominant position to sell ads to the extent of hurting publishers, advertisers, and consumers. This move is quite similar to what regulators in Europe and UK have sought. The United States, earlier this year, introduced the Open App Markets Act to promote competition and reduce gatekeeper power in the app economy.

EU leads the pushback against the arbitrariness of these tech giants. The Digital Markets Act, in force since the 1<sup>st</sup> of November 2022, limits the power of big online platforms and tries to ensure fair competition. The European Commission has reminded Elon Musk that he must follow EU rules following the confirmation that he has taken control of Twitter. Earlier this year the Europe Court of Justice confirmed the USD4bn penalty imposed on Google by the EU's competition watchdog in 2018. The European court also confirmed most of the anti-competitive practices identified by the probe.

The CCI's edict cited above also points to almost identical exploitation of the Android ecosystem by Google as the EU identified. Its recent order in this case is a welcome move and India is rightly stepping up to acquire the commensurate regulatory heft.

CCI's calibrated approach makes its interventions effective and targeted, and it is able to strike a balance between innovation and fair market practices. Its actions are drawing global attention. The competition regulators in Germany and Australia are said to be closely monitoring the enforcement action. It is expected that many other countries may take a similar path as India.

Further, India's regulatory capacity is being strengthened with the proposed amendments to the Competition Act, 2002. The Competition (Amendment) Bill, 2022 is currently being deliberated upon by the concerned Parliamentary Standing Committee. With its enabling clauses to expand its purview to deals valued in excess of Rs2000 crores, accelerate timelines and decriminalize offenses, CCI will be more in tune with the current economic environment.

These are welcome changes and will contribute to making our economy fundamentally stronger. India should leverage its digital strengths. Given India's size and the thriving start-up ecosystem, it should disrupt the app store market by launching its own open and almost cost-free app store. Leaders of the Indian fintech industry have also expressed the need for developers in India to have their own app store.

Competition laws are designed to penalise anti-competitive behavior after it has occurred. This however may be too late for given the pace at which digital markets move it may fail to prevent irreparable harm to affected parties. These ex-post enforcement actions of CCI should be supplemented by ex-ante regulations. Therefore, to achieve a robust regulatory ecosystem for the tech giants there is a need to have ex-ante regulations, for instance setting ground rules on what is acceptable behaviour and what is not.

Inter-regulatory consultation should be institutionalized within the country – CCI could be included in the Financial Stability and Development Council for its role of inter-regulatory coordination.

In the face of the arguments offered by Google and by the obstructionist attitude adopted by it, there is widespread consternation across governments. Netherland's example shows that these cash-rich companies may prefer to pay the fine rather than course correct. Hence, there is a need for a multilateral effort to carry out a comprehensive review of the business practices followed by the tech giants. Regulators should work together to develop appropriate thumb rules to guard against monopolistic tendencies. It will also be apt for CCI to engage with counterparts across the globe to evolve a robust regulatory system. India should leverage its Presidency of G20 in 2023 towards this end.

Additionally, increased free competition and fair play could see the emergence of new world leaders from emerging markets like India.



# A bad idea returns

## Turning the clock back on pension reforms is bad Politics, and worse economics

*The Indian Express* में 10 दिसम्बर, 2022 को प्रकाशित लेख

One must never the underestimate the power of bad ideas, the power of bad ideas, they must be refuted repeatedly. One such idea that is rearing its malevolent head is the move by select states to jettison the National Pension Scheme (NPS) to revert to the Old Pension Scheme (OPS) for government employees.

Introduced by the Vajpayee government in 2003, and effectively implemented by the UPA government – all but a few states had enrolled for NPS by 2007. NPS was a farsighted policy intervention as the expert committee set up to study pension liabilities had warned, in 2003, of the continued risk of then existing pension system. It pointed out that the pension payout of states had risen from 2.1% of total revenue receipts in FY1981 to 11% by FY2002 and were projected to hit 20% by FY2021.

In 2005 the then UPA government said that this was an apt time for India "to be starting a system of pension reforms", given its relatively young working population. Soon after PM Manmohan Singh and Finance Minister P. Chidambaram impressed upon the states the implications of pension on government finances and exhorted them to sign up for the NPS.

However, in the las few months, some states – Congress run Rajasthan, Chhatisgarh, AAP run Punjab have reverted to the OPS while Jharkhand has announced plans to do so. This turning the clock back on reform is bad politics, and undeniably bad economics.

While the AAP is living up to its reputation of unbridled populism and fiscal profligacy the Congress has seen internal divisions – many have questioned the wisdom of these moves given that in the 2014 General Election it claimed pension reform as one of its key

achievements. Montek Singh Ahluwalia the Deputy Chairman of the erstwhile Planning Commission has also been critical of this move towards the OPS. Maybe Chidambaram should lend his wisdom to his party.

This change back to the old system will bring very limited financial gains in the short term to the state governments – they can skip the 14% contribution towards employee pension funds. Untangling the knot of the accumulated pension funds in NPS will need to be resolved for the demand by states to provide these funds is not tenable given the current legal position of the PFRDA that these funds belong to employees.

The primary reason for exiting the OPS was its sustainability. The Union Budget provided for pensions every year but that catered to the current year's expenses, and future liability remained unfunded. The pension liability will keep rising and with rising benefits – salary and dearness allowance; increased longevity and better health care leading to higher life expectancy but there is no visibility of funds to cater to this.

Rajasthan was one of the first few states to adopt the NPS and it is also the first state to revert to OPS! The pension bill for Himachal Pradesh is more than 79.93%, Bihar 58.90% Punjab 34.24% Rajasthan 30.38% and Chattisgarh 24.19% of their respective own tax revenues. In 1990-91, the Centre's pension bill was Rs 3,272 crore, and for all states put together was Rs 3,131 crore. By 2020-21, the Centre's pension obligations had jumped 58 times to Rs 1,90,886 crore; for states, it had jumped by 125 times to Rs 3,86,001 crore.

If other committed expenditure – salaries and interest payouts, is added to the pension liability there will be little left for state governments from their own tax receipts. This will crowd out other important expenses such as that for poverty alleviation, infrastructure, or health care.

Clearly, the states lack adequate finances to revert to the old pension scheme.

Because the pension payments under the OPS are done by the future generation the principle of fairness between generations is violated. As India's demographic profile gradually changes with declining fertility, increased longevity, ageing South versus young North the dependency ratio will remain flat before it starts rising again. These changes will make inter generational inequity more stark.

It is sinful, unprincipled and quite unethical, to create liabilities that don't apply to your present government but will apply to a government in the future. As Arvind Pangariya put it 'the earliest liability will be in 2034. So your 'Sarkar' is safe. You are really stranding the govt which will be in power in 2034 and whoever will follow after 2034'

The distribution of the state's resources will also turn out to be unfair because a disproportionately large share of the state's revenue will be allocated for the benefit of a minuscule number of government employees.

We must realise that the world has long moved away from defined benefits to market-linked benefits and those who don't will suffer financial crises of the proportion suffered by countries like Brazil and Argentina. With its tax benefits, extremely low expense ratio, and professional management NPS is a very good retirement product. With a solid track record of high returns, subscribers are building a very healthy retirement corpus. With the cap of 50% exposure to equity, the excess returns per unit of risk are probably best in class.

It is time that the government reaches out to the broader opposition and builds some consensus with at least the principal opposition party, Congress for it was not very long ago that both parties were on the same page vis a vis pension reforms. Pension reforms are fundamentally important for the nation's financial health. Additionally, if we don't get our act together the SC will once again step into the shoes of the executive.

There fore, let us celebrate the wise policy choices India has made through the implementation of the NPS and the creation of the PFRDS

The writer is Member of Parliament,  
Rajya Sabha and former deputy chief  
Minister of Bihar

## बस माँ

तुम अंबर की सीढ़ी पर होते हो  
वह जड़ों से थामे रखती है  
नींद आने से पहले  
तुम्हारी फ़िक्र को सिरहाने रखती है

बस माँ

वह निर्निमेष शून्य में भी ताकती है  
तो तुम्हारे लिए प्रार्थनाएँ ले कर  
वह अस्वस्थ भी होती है  
तुम्हारी सारी बलाएँ ले कर  
तुम्हारे अस्तित्व के सिंचन में  
तुम्हारे सूक्ष्म के कंपन में सदा

रहती है

बस माँ

तुम्हारी रूकी हुई झील में  
चंचल सी नदी फूँक सकती है  
बस माँ

तुम्हारे बहने के लिए  
माँ को तुममें रहना ही होता है  
-प्रसून जोशी



भावपूर्ण श्रद्धांजली



माँ हीराबेन

