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Saturday, February 28, 1970
Phalguna 9, 1891 (Saka)

LOK SABHA DEBATES

(Tenth Session)



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**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

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LOK SABHA

Saturday, February 28, 1970/Phalguna 9,
1891 (Saka)

The Lok Sabha met at 10 P. M.*

[MR. SPEAKER in the Chair]

FINANCE BILL, 1970--Contd.

Several Hon. Members rose--

SHRI MADHU LIMAYE (Monghyr) :
Sir, a point of order.

MR. SPEAKER : Dr. Ram Subhag Singh.

DR. RAM SUBHAG SINGH (Buxar) :
Sir, you had adjourned the House till 11 a.m. on Monday, the 2nd March. But you have called it today again, and this is an unprecedented calling of the House in the history of this Lok Sabha. Soon after the Prime Minister presented the budget, the AIR in its special news bulletin announced throughout the country that such and such taxes have been proposed, and the dealers started charging on that very basis. That way, crores of rupees have been charged in an unauthorised way from the poor, ordinary people.

Here is a bill where an additional charge of Re. 1 has been charged for 10 litres of petrol. It should have cost Rs. 11,

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but it has been charged at Rs. 12. The dealer gave this bill and he timed it at 8.55 p.m. Such things have happened. The Government could have easily stopped the AIR from making such announcements having regard to the non-introduction of the Finance Bill. In the present fluid political condition, if the Government is allowed to rush in this way, nothing good will come out of the situation or even parliamentary democracy. I protest against this procedure. Of course, technically, you are correct and it is within your competence to call the House. But since 1950 up till now, no sitting of Parliament has been summoned in this way and, therefore, I protest against such calling of the House, without casting any reflection on you.

SHRI P. K. DEO (Kalahandi) : Sir, on behalf of the Swatantra party, I would like to record our strong protest at the manner in which the House has been called. It is within your competence to call the House at any time at your sweet will, (*Interruption*) but it is absolutely wrong to call the House to regularise a thing which has been completely irregular, and it is the height of negligence on the part of the Finance Minister not to have introduced the Finance Bill.

SEVERAL HON. MEMBERS : No, no.

SHRI P. K. DEO : It is a dereliction of her duty, and for seeking to regularise an irregular action of the Minister, she needs nothing but censure. I request, on behalf of the Swatantra party, that it should not be repeated in future. What a

*Under Rule 15 of rules of Procedure and Conduct of Business in Lok Sabha, the Speaker having directed that Lok Sabha, which had been adjourned till Monday, the 2nd March, 1970, would sit at 10 P. M. on Saturday, the 28th February, 1970, the Lok Sabha met at 10 P. M.

convention are we going to leave for posterity if such things happen? And if this august House, which is supposed to keep the dignity of the House is reduced to this type, where is democracy? With these words, I strongly record my protest.

श्री अटल बिहारी वाजपेयी (बलरामपुर) : अध्यक्ष महोदय, जिस ढंग से इस सदन की बैठक बुलाई गई है, उससे कुछ महत्वपूर्ण प्रश्न खड़े होते हैं। आज की बात तो हम समझ सकते हैं। हमें वित्त विधेयक इस सदन में पास हुआ देखना है। मैं किसी पर दोषारोपण नहीं करना चाहता। लेकिन जो परिस्थिति इस समय देश की है, इस सदन की डे और विशेषकर सरकार जिस तरह से अल्पमत में है, उसमें इतनी कम सूचना पर सदन की बैठक बुलाना, और जो काम नियमित सत्र में होना चाहिए, उसे पूरा करने का प्रयत्न करना, भविष्य में कठिनाइयाँ पैदा कर सकता है।

अध्यक्ष महोदय, आपको इस बात पर भी विचार करना होगा कि जिस प्रक्रिया का हमने अपने नियमों में उल्लेख किया है, वह प्रक्रिया आज फाइनेंस बिल के संबंध में क्यों पूरी नहीं हुई? आपने मत विभाजन कराया और उसके बाद वित्त विधेयक पेश होना चाहिए था लेकिन ऐसा नहीं किया गया। उस समय आप कुर्सी पर बैठना चाहते थे, हमने आपको रोका। अब जिस ढंग से हम यहां बुलाकर लाए गये हैं उससे तो लगता है कि उसी समय हम रुक जाते तो अच्छा था। लेकिन गलती किसी की है और सजा किसी को दी जा रही है।

लेकिन एक मेरा निवेदन है। आज का दिन यह कोई भविष्य के लिये परंपरा स्थापित करने वाला नहीं होना चाहिए। इस तरह की भूल की पुनरावृत्ति फिर से नहीं दी जायगी, यह हम निश्चय लेकर जायें और जहां तक यह सवाल है कि यह फाइनेंस बिल पेश नहीं हुआ और टेक्स कैसे वसूल हुआ, इसका आपको हल निकालना होगा क्योंकि जो टेक्स वसूल हुए हैं वह किसी अधिकार से वसूल नहीं हुए हैं....(व्यवधान).... और अगर आप 12 बजे तक की बात करते

हैं तो हम यह चर्चा 12 बजे तक चला सकते हैं। मगर यह कठिनाई हम पैदा करना नहीं चाहते।

SHRI H. N. MUKERJEE (Calcutta North-East) : Mr. Speaker, Sir, this is a most extraordinary circumstance in which we have met, and at a notice which in normal circumstances we would never have accepted. But I am constrained to have to say that all this has happened on account of a default on the part of the Chair; you will forgive my saying so, I was expecting that as you came in, off your own bat, you should have made a statement explaining why a very peculiar concatenation of circumstances took place which has led to the present position of things. As Mr. Vajpayee said, we are too concerned about the position in the country and about the financial proposals and we do not want to take advantage of whatever damage can be done parliamentarily speaking to the Government. But we feel utterly dismayed that by an omission of a parliamentary procedural item which must have been before you in time, something has happened which should never have happened. I know the House is not normal. I know what was happening when the introduction was opposed; there was a lot of noise and all that sort of thing. The House is not normal. But we do expect of the Chair certain super-normal qualities, particularly at certain peculiar point of time. I am very sorry to have to say--I do want to have it recorded in the proceedings--that we are all very sorry that this development has taken place. For that I did expect a very handsome statement should have come from you to begin with, I am sorry it has not come and I do hope that it will be made up.

श्री मधु लिमये (मुंगरे) : अध्यक्ष महोदय, जब सदन का कार्यवाही आपने स्थगित कर दी, उसी समय मैंने कहा था कि प्रधान मंत्री के द्वारा वित्त विधेयक औपचारिक ढंग से पेश नहीं हुआ है और उसके बाद आपसे मिलने के लिए दो माननीय सदस्यों के साथ हम आपके चैम्बर में गए, कुछ अड़ंगा डाने की दृष्टि से नहीं, आपकी मदद करने की दृष्टि से मैंने आपको कहा कि नियम 15 के अन्दर आपको

पुरा अधिकार है, जो त्रुटियां और खामियां रह गई हैं उनको दूर करने के लिए आप सदन की बैठक तत्काल बुला सकते हैं, एमजेंसी बैठक और इसलिए मैं मानता हूँ कि इस बैठक को आयोजित करने में कोई संवैधानिक या नियमों को लेकर कोई गलती नहीं हुई है। अभी माननीय सदस्य श्री हरेन्द्र मुकर्जी ने कहा कि गलती सभापति की हुई है। मैं उनसे सहमत नहीं हूँ। मेरी राय में गलती दोनों की हुई है प्रधान मंत्री की भी हुई है और सभापति की भी हुई है।.... (व्यवधान) आप देखिए, हल्ला करने से काम नहीं चलेगा। अगर कद्दू बातें मैं कह रहा हूँ तो सुनने की आदत डालिएगा। अड़ंगा डालने के लिए मैं नहीं कह रहा हूँ। अध्यक्ष महोदय, जब आपने कहा कि अनुमति मांगने का प्रस्ताव पास हो गया है तो तत्काल प्रधान मंत्री को खड़े होना चाहिए था। उस समय मैंने देखा रघुरमैया जी से वह बातचीत कर रही थी.... (व्यवधान).... अब देखिए, झूठ बोलने से कोई काम चलने वाला नहीं है। तो अध्यक्ष महोदय, इसी बीच में प्रधान मंत्री जी को तत्काल खड़ा होना चाहिए था। वह नहीं हुई और आपने सदन को स्थगित किया। तत्काल गलती की ओर आपका ध्यान हमने दिलाया। हम आपके चैम्बर में मिलने के लिए गए।

अब यह जो बात है इसके जो गंभीर नतीजे हैं उसके बारे में आप मेहरबानी करके सुनिए। अध्यक्ष महोदय, यह जो फाइनेंस बिल है....

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS, AND SHIPPING &
TRANSPORT (SHRI RAGHU RAMAIAH):
I was not here at that time. I was in the
Rajya Sabha.

श्री मधु लिमये : जो भी बैठा रहा हो, इतनी दूर से मैं देख नहीं पाया। प्रधान मंत्री बात कर रही थीं, यह मैंने देखा था। इसका कोई खास महत्व नहीं है कि वही था। प्रधान मंत्री खड़ी नहीं हुईं और अध्यक्ष महोदय ने सदन स्थगित कर दिया।

फाइनेंस बिल जिसके लिये अनुमति दी गई है उसको धारा (1) को आप देख लीजिये। धारा (1) के दूसरे हिस्से में कहा गया है कि :

“(2) Save as otherwise provided in this Act, sections 2 to 27 (both inclusive) and sections 38 and 39 shall be deemed to have come into force on the 1st day of April, 1970.”

और इस विधेयक के अन्तिम हिस्से पृष्ठ 39 पर दिया हुआ है कि :

“Declaration under the Provisional
Collection of Taxes Act, 1931”

यह बहुत महत्त्वपूर्ण है और इसी पर व्यवस्था का प्रश्न है।

“It is hereby declared that it is expedient in the public interest that the provisions of clauses 28, 29, 31, 32, 33 and 35 of this Bill shall have immediate effect under the Provisional Collection of Taxes Act, 1931.”

यह 28 से लेकर 35 तक की धाराओं में है। मैं तफसील में नहीं जाना चाहता, लेकिन कस्टम ड्यूटी है, एक्साइज ड्यूटी है, इन सारी चीजों के बारे में यह धारया है। मेरी नजर घड़ी की तरफ थी, सवा 6 बजे सदन को स्थगित किया। उसके बाद और जब यह विधेयक बाकायदा आपकी अनुमति से पेश होगा उसके बीच में जो चार घंटे का समय बीता है उस में जिन जिन चीजों पर टैक्स लगाया गया है, सिगरेट है, चीनी है, कैरोसिन है, पेट्रोल है, पचासों चीजें हैं, अगर पुलिस के सामने भी उसको हटाने का काम हो तो कानून में कोई रोक नहीं है क्योंकि यह टैक्स प्रपोजल बिल बाकायदा पेश होने के बाद तुरन्त लागू हो जायेंगे। इसका मतलब यह है कि आज जिस बजट के बारे में गुप्तता बरती जाती है वह समाप्त हो जाती है। पिछले समय में आपको याद होगा कि जब श्री मोरारजी देसाई ने बजट पेश किया था तब एक दो महीने तक उस

[श्री मधु लिमये]
 गुप्तता का स्फोट हुआ था इस बात को लेकर मैंने सबूत के साथ सब चीज को रखा था। लेकिन आज सबूत देने की जरूरत नहीं है। आज वित्त मंत्री या प्रधान मंत्री ने जो गलती की है और अध्यक्ष द्वारा जो गलती हुई है, मैं मानता हूँ कि दोनों की गलती के कारण बजट प्रोजेक्ट की जो गुप्तता रहनी चाहिये थी वह खुल गई है। इसका साफ मतलब है, अध्यक्ष महोदय, प्रधान मंत्री और वित्त मंत्री रहने के नायक यह प्रधान मंत्री नहीं हैं, वह अयोग्य हैं, और नैतिकता का तकाजा है, संविधान का तकाजा है, संसदीय परम्परा का तकाजा है कि वह अपने दोनों पदों से तत्काल हटें। इसके बिना जो यह पाप हुआ है इसका अलन नहीं हो पायेगा, यह तो स्वयम् आपको तथा सदन को तय करना चाहिये। मैं आपसे यह निवेदन करना चाहता हूँ कि प्रधान मंत्री और वित्त मंत्री को एक सेकेन्ड भी सत्ता में रहने का अधिकार नहीं है।

SHRI NATH PAI (Rajapur) : Mr. Speaker, Sir, at the commencement of today's session you were pleased to observe that you had a medical check-up and that you were declared fit for the next three months. I congratulate you on that. Some of us had a medical check-up but we were not as lucky as you are. Nonetheless duty has dragged us here.

This extraordinary meeting called by you raises certain basic issues and I would like you to guide us in drawing the necessary lessons from what took place in the House today. In the first place, I would like to emphasize how unprecedented and, therefore, unusual today's sitting is. At page 300 of their book Kaul and Shakdher point this out to us :-

"There has been no instance so far where a sitting adjourned by the Speaker to a particular day and time has been called before that date or time."

I readily concede that it is absolutely within your right to call the meeting, but the fact remains that this right, as every other discretionary power, has got to be

used with the greatest caution and restraint and only when the circumstances are absolutely compelling and there is no other way.

Then, there is the question of proper notice. As everyone who has preceded me has pointed out, we do not want to take undue advantage but issues raised, nonetheless, need to be clarified. With all due respect to your office and I do not have to overemphasize the statement when I make it—there have been lapses and there have to be sufficient amends; I do not know whether they need to be handsome but there have to be adequate amends. This is not by way of drawing an indictment against you. We do not know why we came to this sorry pass.

Mr. Speaker, rule 72 ought to have been observed, to start with, very fully. When Shri Shiv Chandra Jha was on his feet, the Rules demanded that he was given a fair hearing. One does not have to agree with his point of thinking. Under rule 205 we cannot enter into a discussion about the provisions because that is precluded under that. You had only two options: Either rule 72 was fully followed when he was on his feet or you took recourse to rule 64. I do not want to read it; it is very clear as to what you could have done.

Shri Limaye, who is normally dependable—he was more so because he was using my glasses today.... (interruption)

AN HON. MEMBER : Ha, ha !

SHRI NATH PAI : I am prepared to extend that facility to you any time.

Rule 72 says :—

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the members who opposes the motion may, without further debate, put the question"

I am afraid, this was not very strictly followed. There was no explanatory statement from the Prime Minister and I think that the hon. Member was not properly heard.

Then, what could you have done ? I hope, you will not take it amiss that I am pointing out to you certain rules. This is not by way of disrespect towards you though I am pained to say that with what happened I am profoundly in disagreement. Rule 64 says :—

“The Speaker may, on request being made to him, order the publication of any Bill”—

This was the course open to you today if you did not want a meeting to be called—

“In the Gazette, although no motion has been made for leave to introduce the Bill.”

There was a course open to you, short of this. It may be questioned by some but, I think, rule 64 would have given some protection. Since there is a rule—you or some other scholars may disagree; you may take the position that this is a Finance Bill—I am saying that there were other courses open to you.

Since the hon. Member, who was on his feet, was not allowed a hearing, there was confusion and in that resultant confusion a basic duty was not discharged by the House—very specially by you. The Prime Minister did not.....(Interruption)

SHRI DHIRESWAR KALITA (Gauhati) : Was not allowed.

SHRI NAMBIAR (Tiruchirappalli) : Was not called.

SHRI NATH PAI : The interruption of the Prime Minister is absolutely within the rules. Shri Jha was absolutely within his rights in seeking to oppose it. The basic thing is that after that the Bill was not properly introduced into the House.

I would not like to take much time but I endorse the plea made by Professor Hiren Mukerjee, not by way of atonement or expecting any apology from you but by way of elucidating the issue. It would have been proper if like your notice you rose at the very beginning, just as I wrote to you,

to explain what transpired, what is following what is the significance of this meeting and what are the lessons to be drawn by the House.

I am raising these issues under rule 204 and article 112 of the Constitution. These are the relevant articles in the constitution and the Rules of Procedure regarding the presentation of the budget statement.

Regarding the Finance Bill, there is a special procedure and I am afraid that it was not followed. The lapse may appear to be very superficial, but the consequences are very grave, as the incident is very unprecedented. I want you to clarify to the House what happened and at what stage, the things went wrong, why we have assembled here, what the likely consequences are whether the consequences mentioned by my hon. friend Shri Madhu Limaye follow, whether there has been a breach of the secrecy which is incumbent on those who introduce the Finance Bill, and if so, how we guard against it. All these matters need to be clarified.

I trust that my submissions to you will be taken by you in the light in which I have made them and not by way of an indictment against the Speaker, though I beg to submit that there has been a lapse.

SHRIMATI TARKESHWARI SINHA (Barh) : On a point of order. I would like to quote rule 204. What is the budget ? The budget is an annual financial statement. The rule says :

“The Annual Financial Statement or the Statement of the Estimated Receipts and Expenditure of the Government of India in respect of each financial year (hereinafter referred to as ‘the Budget’) shall be presented to the House on such day as the President may direct.”

The budget is only this. It does not include the financial propositions, and the financial propositions can only be introduced in this House or in the country by the Finance Bill. And under rule 219 (1), the Finance Bill has been defined as follows:

“In this rule ‘Finance Bill’ means the Bill ordinarily introduced in each year—

[Shrimati Tarkeshwari Sinha]

to give effect to the financial proposals of the Government of India for the next following financial year and includes a Bill to give effect to supplementary financial proposals for any period."

Regarding the budget such, as the Finance Minister announces the budget proposals in the budget speech in order to facilitate the understanding of the Finance Bill, which the Finance Minister introduces after the budget speech. But the budget speech has no relevance and no sanctity there to the budget speech of the Finance Minister, so far as the financial propositions are concerned. The budget speech, if the financial propositions are excluded from it, is just a speech and nothing more.

After the budget speech has been made, the financial propositions are not before the House, because the Finance Bill has not been introduced, and, therefore, there is no proposal for any changes before the country. There has been a time lapse to day; up till now, there is no financial proposition before the country because the Finance Bill has not been introduced, and therefore, there is no financial proposition before the country. I would like to know under what rule and under what authority, the taxes have been collected. If the taxes have been collected, who is going to pay the penalty for the collection of taxes? Who is going to return the money that has been collected from them to the tax-payers, in an unauthorised way? Nobody has got the authority, neither the Government....

SHRI V. KRISHNAMOORTHY (Cuddalore) : Who has collected?

SHRIMATI TARKESHWARI SINHA : See this bill which I have before me here. This is a petrol bill by Prem Oil Co., where 10 litres of petrol has been charged at Rs. 12 that is. Re. 1 more.

SHRI S. M. BANERJEE (Kanpur) : That man should be prosecuted.

SHRIMATI TARKESHWARI SINHA : Would the hon. Member please allow me to have my say? And the time is 8.55 p m. in this bill. What I want to say is that there has been no financial proposition before

the country, and, therefore, there has been a leakage of the financial propositions five hours ahead, and five hours ahead AIR had announced the budget proposals. AIR had no authority to announce them, because the budget proposals were not before the House. What authority did the AIR have to announce the budget proposals? What authority did the Government of India have to permit other governmental agencies to announce proposals which do not exist?

Therefore, this is a very serious phenomenon.

Further, today, there has been a disclosure of budget proposals five hours ahead because the Finance Bill is yet to be introduced. Who is going to pay the penalty? Under what rules has that penalty to be levied? What have been the precedents in the world for the premature leakage of the budget by five hours? The budget proposals have been leaked in this country or in the world five hours ahead of the financial propositions. Who is going to pay the penalty for the leakage by five hours before the financial propositions have been introduced or formally communicated to the House?

I do not want to undermine that position of either the Prime Minister or the Finance Minister. But this is a serious proposition. Let us be guided by the precedents available in the world as to what has happened when the disclosure of budget proposals has taken place before Parliament is seized of the budget proposals. This is the position and let the House take a decision on that. It is not a question of shouting and counter-shouting. This is a serious proposal. What exactly does the House want to do in this matter? Does it want to condone the entire thing? It is most unauthorised. Five hours before, the proposals have been leaked out. I would like to have your ruling on this point and I would like you to clarify the situation and not to leave the situation as it is today.

SHRI SAMAR GUHA (Contai) : On a point of order.....

SHRI S. M. BANERJEE : On a point of order.....

SHRI SAMAR GUHA : I am also on a point of order I had given it in writing earlier to the Speaker.

SHRI NAMBIAR : How long are we to go on with the points of order ? Are we going to sit till twelve o' clock ?

SHRI SAMAR GUHA : I beg to submit that the calling of the sitting of the House today is not only unprecedented ...

SHRI DHIRESWAR KALITA : Unwarranted... ..

SHRI SAMAR GUHA :.....in the history of parliamentary democracy of our country, but as far as I know, in the history of parliamentary democracy perhaps of any other country in the world. This impromptu and extraordinary calling of the sitting of the House, in my opinion, is irregular, illegal and unconstitutional. I shall substantiate my point.

Sir, you have convened this sitting according to the provisions of the Rules of Procedure and Conduct of Business in Lok Sabha, namely rule 15 in which it has been said:

“Provided that the Speaker may, if he thinks fit, call a sitting of the House before the date or time to which it has been adjourned ...”

There is one proviso that Speaker must consider that the occasion is fit for convening the House, for convening this impromptu and extraordinary meeting. You have to satisfy yourself and you have also to satisfy this House as to why you considered it to be a fit occasion and as such considered it necessary to convene a meeting after four hours of your adjourning this House till 11 a. m. on Monday next. You have to satisfy yourself and this House why you have considered it fit to convene this impromptu and extraordinary sitting.

MR. SPEAKER : The hon. Member should try to conclude.

SHRI SAMAR GUHA : It is an important point that I am arguing. No body else has argued in this line. If you

feel that it is a fit occasion to convene this extraordinary sitting of this House, then you have to satisfy yourself and you have also to satisfy this House whether proper notice has been served to each and every Member of this House, and whether there have been extraordinary circumstances, which have never happened before, which have warranted your calling a meeting at this time, after having adjourned the House and after having given a directive to the Members that we shall meet again at 11 a. m. next Monday.....

MR. SPEAKER : The hon. Member should try to conclude here.

SHRI SAMAR GUHA : I have a right to argue my case. I am not arguing in air. It is your duty to satisfy yourself whether the notice either through telephone or a about 9.30 p. m. by the extraordinary slip issued by your Secretariat, reached each and every Member of Parliament. My information is that many Members never expected such extraordinary sittings, and they were not in their houses, and they did not receive either the phone call or the slip issued by your Secretariat. You have to satisfy yourself that each and every Member of the House got the notice properly.

My second point of order is this.

Kindly see the rule. By withholding introduction of the Bill, the dignity of this House has been violated. Under the rule it was the obligation of the Finance Minister to introduce the Bill immediately after her budget speech, but she has not only failed in the discharge of that duty, but now all sorts of accusations are being hurled at you. If you had made a mistake or mis-calculation, it was her obligation and duty to have pointed it out to you immediately within a minute.. (Interruption.) No one can come down in this way. Those interrupting are the stooges of the ruling party.

SHRI D. N. PATODIA (Jalore) : On a point of order.....

SHRI SAMAR GUHA . I cannot be bullied in this way.

You have to get yourself satisfied and also satisfy this House that the Finance

[Shri Samar Guha]

Minister and the Prime Minister has not by this remissness committed a breach of her constitutional obligation to introduce the Finance Bill immediately after her budget speech. There has been a break of four hours during which the Budget has been betrayed, and disclosed in advance. The Budget remained leaked out during these four hours. It is up to you to determine what penalty she should pay for this dereliction of her duty that she has discharged to the House as the Finance Minister as the Prime Minister and as the Leader of the House. It is up to you to take note of this.

SHRI S. M. BANERJEE : A receipt has been produced by Dr. Ram Subhag Singh showing that one dealer has charged for petrol Rs. 1.10 instead of Re 1. The price increase is to take place from 1st April. I want that receipt to be handed over to the Home Minister to take action against the dealer. He should be proceeded against and convicted for this overcharging.

SHRI SURENDRANATH DWIVEDY (Kendrapara) : While endorsing what Shri Vajpayee has said that this should not be a precedent, let us not regularise one irregularity to commit another.

You are perfectly within your rights, as has been quoted under rule 15, to call such a sitting. But this right should be exercised in a proper manner. Even for the summoning of the sitting, there is a procedure. Proper notice has to be served on every member.

The House was adjourned. We went away. No body knew that you would call a sitting now. If members who are present want to excuse this lapse, I have nothing to say because of the extraordinary situation in which you have been placed. But the fact remains that this notice for the sitting at 10 P. M. has not been properly served on all members. I think any member will be perfectly entitled and with in his rights to challenge any decision we take during this sitting in a court of law on the ground that proper notice was not served for convening the sitting. How are you going to condone this irregularity, I want to know from you. We do not want

to create any difficulties, it is an extraordinary situation ; we all agree there, but this irregularity should also not be allowed to remain.

श्री शिवचन्द्र झा (मधुबनी) : अध्यक्ष महोदय, आज मैं आप से यह दरखास्त करना चाहता हूँ कि यह बैठक किस वजह से बुलाई गई है इस के फ़ैमले में तो आप ही जायेंगे और आप ही बतलायेंगे। लेकिन जो घटना घटी उसके पहले जो बैठक हुई थी और जिस को आपने स्थगित कर दिया था 2 तारीख के लिये, इस सब को मद्देनजर रख कर मैं कहना चाहता हूँ कि जो भी थोड़ी बहुत गड़बड़ियाँ हुई वह इसलिये कि सविधान के मातहत इस सदन को चलाने के लिये जो नियम बनाये गये हैं उन पर मुस्तैदी से पालन नहीं किया जाता। आप माफ करेगे यदि मैं कहूँ कि मुझ को इधर देखने में आ रहा है कि इन नियमों का चेयर वी तरफ से मुस्तैदी से पालन नहीं हो रहा है। इसलिये मैं कह रहा हूँ कि जब पिछली बैठक में मैं प्वाइन्ट आफ आर्डर पर उठा और फाइनेंस बिल की मुखालिफत करना चाहता था तब आप ने कहा कि तुम तो हर वक्त मुखालिफत करते हो। निथम कहता है, और श्री नाथपाई ने बहुत दुस्त बतलाया है कि नियम 72 के मातहत हमको हक है कि हम मुखालिफत कर सकते हैं। जब नियम कहता है तब थोड़ी देर के लिये हमें मानना होगा कि हर सदस्य चाहे तो हर विधेयक की नियम के मुताबिक मुखालिफत कर सकता है लेकिन मुझे देखने में ऐसा आ रहा है कि जो पद्धति है उसको आप विस्तृत न करके कोशिश यह कर रहे हैं कि उसको नेरौड डाउन या संकीर्ण बनाया जाये। यदि हम अमेंडमेंट देते हैं तो कल आप कहेंगे कि तुम इतने अमेंडमेंट क्यों देते हो, हम सवाल पूछते हैं तो कल आप कहेंगे कि तुम सवाल क्यों पूछते हो। अगर हम कहेंगे हमारे पास नियम है और वह कहते हैं तो आप कहेंगे कि तुम इस तरह का तर्क क्यों देते हो। जनतन्त्र का यह मतलब नहीं होता है। जनतन्त्र का यह अर्थ है कि 500 या 500 से ज्यादा जो

सदस्य यहां पर हैं हर सदस्य इसमें शामिल है और जनतन्त्र के रूप में ही यह सदन चलेगा नियमों के अनुसार। (व्यवधान) पिछली बैठक में आप मुझ को बोलने नहीं देते थे। मैं कह रहा था कि आप मुझ को दो मिनट बोलने दें लेकिन आपने वायस वोट लेकर उस को खत्म कर दिया। इसी लिये यह खराब काम हुआ। मैं दो मिनट में अपनी बात खत्म कर देता।

आप को पूरा हक है नियम के मुताबिक सदन को बुलाने का। यहां पर नियम 72 का उल्लेख किया है। लेकिन इसके लिये जो प्रापर तरीका है वह यह है कि इस के लिये नोटिस चाहिये। साढ़े नौ बजे हम लोगों के पास एक लिफाफा आता है, लेकिन उससे पहले रेडियो पर यह बात आ गई थी। मुझे शक है कि कहां तक हर सदस्य को यह नोटिस मिली है, लेकिन फिर भी आपको हक है।

यहां अहम सवाल यह है कि वित्त विधेयक एक सीक्रेट और गम्भीर विधेयक है। इसकी गुप्तता का अर्थ यह है कि यह बाहर नहीं जाना चाहिये जब तक यह विधेयक यहां पर पेश नहीं हो जाता। यह विधेयक यहां पेश नहीं किया गया, मगर इसी बीच में इसकी तमाम बातें यहां से बाहर चली गई हैं। उनको लेकर इन घंटों में जो खराबियाँ होंगी और संविधान के मुताबिक जो खराब काम हुआ है उसकी जवाबदेही तो आप देखेंगे। लेकिन यहाँ पर जो बीच आफ ट्रस्ट हुआ है, इसकी गुप्तता का जो उल्लंघन हुआ है और उल्लंघन हो कर जो संवैधानिक संकट डाला गया है इस हाउस में वह बिल्कुल अनप्रिसिडेंटेड है, और मैं कहूंगा कि इसकी जिम्मेदारी पूरी तौर पर, मुझे माफ कीजिये, आप पर है। इसलिए जनतन्त्र और औचित्य का तकाजा है कि आप इस्तीफा दे दीजिए।

SHRI SRINIBAS MISRA (Cuttack) : This is an unfortunate incident and I do not want to apportion blame between the Chair and the Member in charge of the Bill. First of all, I should say that I do

not agree with persons who say that the Member in charge neglected her duty in not introducing the Bill at once. You were on your legs, Sir, and while you were on your legs, under the rules she could not stand up and introduce it. I do not want to apportion any blame, as I said. A situation has arisen and we have to find a remedy under the rules. I insist that the Speaker has no power to call a sitting of this House under rule 15....(Interruptions) Mr. Nambiar wants to judge things before hearing. The rule says : "Provided that the Speaker may, if he thinks fit, call a sitting of the House before the day or time to which it has been adjourned or at any time before the House has been adjourned sine die..." The power to call a sitting of the House is it to be exercised giving three hours or two hours' notice because that would lead to many absurdities. It may lead to such situations. I am giving the example. A denuded party in power can expect or get somehow the sympathy of the Speaker and at 2 A. M. every day a meeting can be called with two hours notice daily. It will keep that party in power even though they are not in a majority. It may lead to all this kind of absurdity. I am not saying this to cast any aspersion on the party in power but that may lead to all this absurdity. The construction of this rule will show that whatever will lead to such absurdities will not be the meaning of this rule. The real meaning is that the Speaker is competent to call a sitting of the House with due notice, reasonable notice. Would you consider the notice in this instance as being a reasonable notice for a sitting of this House at this hour? There is no reasonable notice for this sitting and it is illegal...(Interruptions.)

There is one more point. Under our Rules the Secretary prepares a list of business and it is prepared for one day. Rule 25 says that a list of business should be prepared for one day? How can you prepare two lists of business for one day? You have circulated now another list of business for the same day.

Added to all these, please look at the President's recommendation communicated to the Secretary at page 58 of the Bill. It says : "...The Bill will be introduced in the Lok Sabha immediately after the presentation

[Shri Srinibas Misra]

of the Budget on the 28th February, 1970." Is 10 p. m. immediately after 5 p. m. ?

It says :

"The President, having been informed of the subject matter of the proposed Bill, recommends under article 117 (1) and (3) read with article 274 (1) of the Constitution of India, the introduction of the Finance Bill, 1970 to the Lok Sabha and also recommends to the Lok Sabha the consideration of the Bill.

The Bill will be introduced in the Lok Sabha immediately after the presentation of the Budget on the 28th February, 1970."

The House was adjourned at 6.16 p. m., till 11 a. m. on Monday, but immediately, it was summoned to meet at 10 P.M. today, within a few hours. This is a violation of the promise given to the House and the provision in the rules. What is the remedy ? The remedy is only this : this sitting of the House is unconstitutional and it is not according to the rules. Therefore, we have to find out some other means.

MR. SPEAKER : I feel that when the leaders of all the parties and groups have already spoken, something is due from me also, rather than prolonging this discussion.

SHRI ABDUL GHANI DAR (Gurgaon) : We have a new point of order. I request you to listen to it (*Interruptions*).

MR. SPEAKER : I request you to sit down please. About the points of order raised, there is no doubt that the procedure adopted is rather extraordinary, and if I may agree with you, it is a little unprecedented. A number of points have been raised. (*Interruption*). I can only say before you that I do not blame anybody in the House, neither the Members nor anybody else. I only blame myself, because I know that when I was standing I did not look to this side. The Members told me two points : some said that the introduction was simultaneous, and others said that it was not duly introduced. I myself was very much in doubt as to what was the exact position.

I could notify it immediately or I could call

a meeting of the House much against will. But I assure you that there was no pressure on me from any side.

A few Members and leaders who met me in my Chamber discussed it with me. Some of them said that the simultaneous introduction should not be accepted, but others said the alternative should be followed; a notification or calling of the meeting of the House. It is my default which I own completely in this House, and nobody in this world is infallible; as a Presiding Officer also I cannot be infallible. But I can assure you that it was all to the best of my intentions.

When Mr. Jha stood up, I invited his attention to the fact that on every introduction of a Bill, since I became the Speaker, he got up and on all the occasions I have had to remind him that under the rule in question only the competence of Parliament can be questioned - as to whether the House is competent or not-and nothing else.

SHRI NATH PAI : No, Sir. (*Interruption*)

श्री मधु लिमये : नहीं, अध्यक्ष महोदय, आपको याद होगा मैंने कहा था या तो नियम बदलो या भा साहब को इजाजत दो। आपने जल्दबाजी की।

MR. SPEAKER : I quite agree with you. I told him, if he wants to discuss the merits of the case, he should discuss it in the first reading, but that at the time granting leave, only the competence of Parliament can be questioned. And, Mr. Limaye got up and said, either the rule should be amended or some other way should be found. I am completely in the hands of the House. It can change the rules. To the best of my intention, I try to implement the rules. Very often strict implementation is impossible. Very often, when I am on my legs, members keep on speaking defying the Chair all the time. When I got so much helpless against Mr. Shiva Chandra Jha I was completely out of my wits as to what to do now. Sometimes when the noise is growing and members do not obey the Chair, naturally there is no other way out except to adjourn the House. I am

very frank before you. So far as this side is concerned, I did not notice whether the Bill was introduced or not. I only heard that it was not introduced. But I was told by my Deputy Secretary that it was introduced just at the time when I was on my legs. But technically I would not agree because just at the same time when I was struggling with Mr. Jha, something was going on on this side and in the meanwhile everything occurred. As Mr. Nath Pai told me, I have been doing it a number of times. I could very well issue a notification, but I was advised that when the members are here, why not call a meeting, this being the Finance Bill and there is enough time till midnight? We could very well call a meeting and satisfy you. It is purely to satisfy you and also because I thought that since the Provisional Collection of Taxes Act, 1931 becomes effective from midnight, in the public interest, I might call a meeting. I knew that tomorrow is Sunday and if I did not call a meeting and if I did not issue a notification, we would be losing money. In my view, public interest was upper-most in my mind. I think admission of my failing or default is much too small as compared with the public interest involved. I take the whole blame on myself. I am completely in the hands of the House. Direct me where I stand. I completely take the blame on myself and I request you to kindly accept my explanation.

THE PRIME MINISTER, MINISTER OF FINANCE, MINISTER OF ATOMIC ENERGY AND MINISTER OF PLANNING (SHRIMATI INDIRA GANDHI): I introduce† the Finance Bill, 1970.

MR. SPEAKER : The Bill is introduced.

श्री अब्दुलगनी डार : स्पीकर साहब, आपने फरमाया कि जब आप खड़े थे, आपके डिप्टी सैक्टरी ने आपको बतलाया कि प्राइम मिनिस्टर ने फाइनेन्स बिल मूव कर दिया है। जब आप खड़े हुए थे तो प्राइम मिनिस्टर फाइनेन्स बिल कैसे मूव कर सकती थीं... (व्यवधान)

[श्री عبدالغنی ڈار-سپیکر صاحب۔ آپ نے فرمایا کہ جب آپ کھڑے تھے آپکے ڈپٹی سیکریٹری نے آپکو بتلایا کہ پرائمر منسٹر نے فائننس بل موو کر دیا ہے۔ جب آپ کھڑے ہوئے تھے تو پرائمر منسٹر فائننس بل کیسے موو کر سکتی تھیں۔]

MR. SPEAKER : Now that the Bill has been introduced, I do not think there is any use in hearing any points of order now. With your permission, I may adjourn the House till Monday; I am very sorry I had to bother you.

10.55 P. M.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 2, 1970/Phalgun 11, 1891 (Saka)

† Introduced with the recommendation of the President.