

[Sh. L.K. Advani]

Therefore, we should pass the Vote on Account and the Bill on Punjab today itself. If some other business is to be transacted, I would like it to be done through consensus only. I have not studied this statement thoroughly. We too are in favour of converting the lease hold into free hold, but to put a burden on the citizens which they cannot bear is, I think, not justified. I would request the hon. Prime Minister to consult all the seven Members of Parliament from Delhi before arriving at a decision. (*Interruptions*)

SHRI J.P. AGARWAL (Chandni Chowk): Mr. Speaker, Sir, it has been our long standing demand. Our Government had taken a decision in this regard but that decision could not be implemented. I am constrained to say that we were not consulted before taking decision.....(*Interruptions*)

MR. SPEAKER: Please take your seat, Mr. Agarwal. The Prime Minister is speaking.

.....(*Interruptions*).....

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, as they wanted a decision to be taken on this issue, we have taken the decision. I agree with Shri Advani that this statement should not be laid on the Table. We have no objection to it because it is in no way going to change the decision. The Government had already taken the decision, but since the House adjourned abruptly on that day, we could not lay it on the Table. In compliance of the Rules, we are laying it on the Table. If the House decides against it, let the will of the House prevail. But the decision is not going to be changed whether it is laid on the Table or not. (*Interruptions*)

SHRI MADAN LAL KHURANA: I would

request the Hon. Prime Minister to accept our suggestion since it is in the interest of the citizens of Delhi. What is being done now is exactly what the Congress Party did last time. This is just an eye wash before the elections. (*Interruptions*)

SHRI CHANDRA SHEKHAR: What this decision has to do with the elections?

(*Interruptions*)

11.11 hrs.

CONSTITUTION (SEVENTY - FIFTH
AMENDMENT)*

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI SUBODH KANT SAHAY): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER: The question is:

"That leave to granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted

SHRI SUBODH KANT SAHAY: I introduce the Bill.

MR. SPEAKER: The House may take up the financial and other business listed in the Agenda. I think there may not be any discussion as is the consensus. But I am thinking to allow after all the business is

over, if the House agrees, on hon. Member from each party and group to speak at the end of the debate.

(Interruptions)

SHRI INDER JIT (Darjeeling): Mr. Speaker, Sir, I had given a notice supported by three other Members.....*(Interruptions)*

[Translation]

MR. SPEAKER: Mr. Inderjit, please take your seat, let the proceedings go on.

[English]

SHRI INDERJIT: Please allow me atleast to read the motion. This motion has been supported by many Members.... *(Interruptions)*

PROF. P.J. KURIEN (Mavelikara): Sir, you have announced that there was a consensus..... *(Interruptions)*

MR. SPEAKER: You have all agreed.

PROF. P.J. KURIEN: That is what I am saying. You have announced that there was a consensus and that all financial bills will be passed without any discussion. We agreed to that. That is what we have agreed. If there is a discussion, which you order now I do not know from where, it should not be one Member from each party..... *(Interruptions)*

MR. SPEAKER: Now I straightaway take the financial business.

(Interruptions)

PROF. P.J. KURIEN: We are in full agreement in passing it without discussion. . *(Interruptions)*

MR. SPEAKER: You are simply restating what I have said.

PROF. P.J. KURIEN: We are in full agreement in passing this without discussion. But if you allow a discussion, we should get enough time and it should not be one Member from each party....*(Interruptions)*

MR. SPEAKER: You have all agreed that this would be passed without any discussion. Now I take up item nos. 21 to 25 together.

(Interruptions)

SHRI INDRAJIT GUPTA (Midnapore): The Procedure which you are prescribing is not at all clear to us.

MR. SPEAKER: I repeat what I have said. The House may take up the financial and other business listed in the Agenda. I think, there may not be any discussion as is the consensus. But I am thinking to allow, after all the business is over if the House agrees, one hon. Member from each party and the group to speak at the end of the debate.

(Interruptions)

SHRI INDRAJIT GUPTA: What do you mean by saying that the business is over? 'When the business is over' means what?.....*(Interruptions)*

MR. SPEAKER: It means, when the financial business and other connected business is over. That is what we have agreed.

(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur): What is there to say, 'after all business is over'? After all business is over, there will be no business.....*(Interruptions)*

MR. SPEAKER: If the hon. Members do

not want to take the time of the House, then I agree.

(Interruptions)

SHRI INDER JIT (Darjeeling): I have a point of order under rules 16 to 22. My point of order is that the President was good enough to come and address both Houses of Parliament on the 21st. The discussion ended here.....

MR. SPEAKER: There is no business before the House. You cannot raise a point of order in vacuum.

(Interruptions)

[Translation]

MR. SPEAKER: Do you want to raise the point of order during the zero house? Please take your seat, Mr. Inder Jit.

(Interruptions)

MR. SPEAKER: You are raising the point of order but there is not business before the House.

[English]

SHRI INDER JIT: I am raising a point of order.

MR. SPEAKER: I am just going to take up the business.

SHRI INDER JIT: This House.... *(Interruptions)*

MR. SPEAKER: I am not permitting you. You please resume your seat.

SHRI SOMNATH CHATTERJEE: The Prime Minister has recommended dissolution of the House but we have no information

about that. And we find that in the meantime all sorts of discussions are going on - proposals and counter-proposals. I would like to know from the Prime Minister whether he sticks to the announcement which he made in the House that he has resigned and he has recommended dissolution of the House. I would like to know what is the position. Let us also know from the Congress who has supported that Government, what is their reaction to this. All financial business is being passed without any discussion. But the House is not being taken into confidence by the hon. Prime Minister or the leader of the Congress Party. We do not know what is happening. I would like him to respond.

THE PRIME MINISTER (SHRI CHANDRA SHEKHAR): I do not know why all these question are being asked when I am not discussing with anybody. It is for the President to take the decision.

SHRI G.M. BANATWALLA (Ponnani): On this Vote - on - account which you are taking up I have a point of order under rule 214 read with article 116. The matter I am raising is of serious consequence and I request you kindly to bear with me. When the procedure is scuttled, it is the institution that is scuttled.

The assault on the institution begins with the assault on the procedure. Now I do not mean to raise any constitutional crisis because I feel that there is no constitutional crisis whatsoever. My contention is that under the present circumstances under articles 116 the vote - on - account cannot now be presented to this House. The President has to deal with problems of providing the necessary funds to the Government in accordance with the scheme of the Constitution. There are enough provisions in the Constitution whereby the President can now provide for the funds to the Government in order to be able to run the business after 1st of April.

We have recorded here the letter of resignation of the Prime Minister and the President's acceptance of that resignation. Here, on the Table of the House, these letters have been placed. Therefore, I draw your attention to article 116 and say that now a vote on account cannot be presented. It is very clear that article 116 provides for the circumstances under which a vote on account has to be presented. I will read out to you the necessary part of this article 116. You may go through it because it is an important matter of procedure. We must see to it that we do not have very unhealthy precedents which can be create problems in the future. These unhealthy precedents of taking up the vote on account today would scuttle the very democratic and parliamentary procedure over here and may jeopardies even the future of parliamentary democracy.

MR. SPEAKER: Please be brief.

SHRI G.M. BANATWALLA: Article 116 clause (1) says and I quote:

"(1) Notwithstanding anything in the foregoing provisions of the Chapter, the House of the People shall have power-

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in article 113 for the voting of such grant and the passing of the law in accordance with the provisions of article 114 in relation to that expenditure."

The article further proceeds, with which we are not concerned. The point is that vote on account can be considered by this House pending the passage of the main grants. If the main grants cannot reasonably be expected to come before this House, there is no question of vote on account pending the main grants. It is very clear that after the

Prime Minister has advised the President to have the next elections, the main estimates, of which the vote on account forms part, cannot now reasonably be expected to come before the House. The article provides that the vote on account can come up pending the coming up of the main grants. When the main grants cannot be reasonably expected to come before this House, there is no question of any pending of the procedure with respect to the main grants. Since the procedure with respect to the main grants is no longer pending before this House, therefore the vote on account cannot come before this House. This House can take up the vote on account only when there is a reasonable expectation that this vote on account is being passed pending the coming of the main estimates before this House. Therefore, I say that because the main estimates cannot be expected now to come before the House, the question of the completion of the procedure of the main estimates does not arise. Therefore, there is not question of the said procedure and, therefore, a vote on account cannot now be presented to the House. The matter goes to the President. There are enough articles and I can go on quoting the enough articles which authorise the President to arrange for the funds.

MR. SPEAKER: Yes, you have made your point of order.

SHRI G.M. BANATWALLA: The Muslim League Members of Parliament Ibrahim Sulaiman Sait, myself and all other Muslim League Members of Parliament - have met the President and drawn his attention to various provisions in this Constitution which he can invoke in order to provide funds to the Government on and from the 1st of April in view of the elections. There is, therefore, no financial or constitutional crisis at all. It is there only in our mind, it does not exist. Of course, there is a political impasse which can only be solved with immediate elections. I have, therefore, to request you not to place

[Sh. G.M. Banatwalla]

this Vote on Account before the House. Adjourn the House so that immediate elections take place and no other point is brought before the House.

SHRI INDERJIT: Sir, I am on a point of order on procedure.

MR. SPEAKER: On this?

SHRI INDERJIT: Sir, I want to say one thing that Kaul and Shakhdar were very clear in regard to the procedure. They have written on page 175 that after the Prime Minister has replied to the debate, the amendments that have been moved are disposed of and the motion of thanks put to the House. After the motion is carried....

MR. SPEAKER: I have not permitted you on the question of motion of thanks.

(Interruptions)

SHRI INDERJIT: The discussion is not being concluded. It is not infructuous. Therefore, it will be very impolite, rude, even unreal for this House. Are we going to go on record that the Ninth Lok Sabha, which was addressed by the President, has not even cared to propose a Vote of Thanks? I propose that there should be a Vote of Thanks be common consent as a matter of courtesy.

SHRI VASANT SATHE (Wardha): Sir, we would like to know what has happened to the President's Address and motion of Thanks? Has it been treated as having been voted out? Has it been treated as passed? What has happened? We must know this. You must put it to Vote. That has not yet been put to vote. Kindly put it to vote. Let us see what has happened to it. What is the record, we would like to know. *(Interruptions)*

SHRI INDERJIT: I want a Ruling on my point. Has it become infructuous.

MR. SPEAKER: Yes, it has been infructuous. I have ruled that it has become infructuous.

The Council of Ministers headed by the Prime Minister continues to function. There is no vacuum. The Government is fully competent to pilot the financial business: Hence, I rule out the point of order.

Now, Shri Janeshwar Mishra.

(Interruptions)

SHRI INDERJIT: What about the President's Address, Sir? You have not given any Ruling on my point of order. *(Interruptions)*.

MR. SPEAKER: Now I can't hear. You can hear the Minister.

AN HON. MEMBER: It is in order, Sir?

MR. SPEAKER: It is in order, perfectly in order.

MR. SPEAKER: Now the House will take up Items 21 to 25 together.

11.28 hrs.

RAILWAY CONVENTION COMMITTEE

Resolution re. Approval of Third Report

[Translation]

THE MINISTER OF RAILWAYS (SHRI JANESHWAR MISHRA): I beg to move the following Resolution:—

"That this House approves the recom-