

Mills Co., Ltd. (Acqn. & Transfer etc.) Bill

सकता है, तो मुआवजे की अदायगी की नीति का परित्याग कर इजारेदारों पर चोट करने के लिए संविधान में संशोधन क्यों नहीं किया जा सकता ?

सरकार समाजवाद का नाम तो लेती है, पर वास्तव में इजारेदारों को अधिक से अधिक लाभ पहुंचा रही है, जिसके परिणामस्वरूप भारतीय अर्थ-तन्त्र पर उनका शिकंजा कायम है।

अभी हाल में प्रधान मंत्री ने वित्त संकट के नाम पर सरकारी सेवाओं में भर्ती करने पर 9 महीनों के लिए प्रतिबन्ध लगा दिया है। एक और आर्थिक क्षेत्र में अनुशासन को कसने की कोशिश की जा रही है और दूसरी ओर इस कम्पनी के मालिकों को इतनी भारी राशि दी जा रही है। मैं इसका जोरदार विरोध करता हूँ।

श्री भागवत झा आजाद : सभापति महोदय, माननीय सदस्य ने 1.57 करोड़ रुपए देने की बात कही है। इसका कारण यह है कि यह उनकी बुक वैल्यु आन दि टेक ओवर डेट है और बुक वैल्यु न देने से बड़ी कठिनाई होती है। मामला कोर्ट में जाता है और वहां कहा जाता है कि सरकार ने मुआवजा दिए बिना ले लिया। आप जानते हैं कि देश में क्या हो रहा है और क्या कठिनाई है। उस कठिनाई को हल करने के लिए उनको बुक वैल्यु पर 1.57 करोड़ रुपए और मैनेजमेंट लेने के कारण 10 लाख रुपए प्रतिवर्ष देने की व्यवस्था की गई है। इस तरह के अधिग्रहण के बारे में जो भी बिल आते हैं, उन सब में कानूनी कठिनाई से बचाने के लिए यह प्रावधान किया है।

मैं समझता हूँ कि शास्त्री जी ने हल्के ढंग से कहा होगा कि हम समाजवाद की बात कहते हैं और इजारेदारों के हित में काम करते हैं।

हम सिद्धान्त, नियमों, विचारों और कार्यक्रम में समाजवाद को मानते हैं। इसी लिए इस देश में प्राइवेट सेक्टर की तुलना में सार्वजनिक क्षेत्र का अधिकाधिक विकास हो रहा है। माननीय सदस्य इस काम में सहयोग दें, अपनी शुभ-कामना दें। वह कोई अशुभ बात न कहें। जो हम कहते हैं, वही करते हैं।

MR. CHAIRMAN : The question is ;

“That the Bill be passed.”

The motion was adopted

15-55 hrs.

COMPTROLLER AND AUDITOR-GENERAL'S (DUTIES, POWERS AND CONDITIONS OF SERVICE) AMENDMENT BILL

MR. CHAIRMAN : Now, we shall take up the next item. Shri S. M. Krishna on behalf of Mr. Pranab Mukherjee will move the motion.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S. M. KRISHNA) : Sir, I beg to move :*

“That the Bill further to amend the Comptroller and Auditor-General's Duties, Powers and Conditions of Service) Act, 1971, be taken into consideration,”

This Bill seeks to amended certain provisions of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act.

Sir, under Articles 148 (3) and 149 of the Constitution the salary and other conditions of service of the Comptroller and Auditor General and also his duties and powers are to be determined by a law enacted by Parliament. This law was enacted in 1971 and the present Bill which I have moved seeks to amend certain sec-

tions of the Act dealing with the pensionary benefits of the Comptroller and Auditor General, and also this duties and powers.

Sir, the Act has not been amended since 1971. The Act was amended in 1976 mainly for the purpose of making necessary provision for relieving, the Comptroller and Auditor General from the responsibility for compilling accounts for Central Government Departments.

The circumstances have changed and out of the experience gained from the working of the provisions of the Act, it has been considered necessary by Government to make certain further amendments.

The first amendment relates to pension admissible to the Comptroller and Auditor General. Since 1971, the pensions payable to officers of Government and other authorities have been modified whereas the pension payable to the Comptroller and Auditor General remains the same as fixed in 1971. It is, therefore, proposed to provide that a serving officer appointed as Comptroller and Auditor General will be entitled by way of pension to (i) the pension a missible to him in the service to which he belonged by treating his service as Comptroller and Auditor General as continued approved service for this purpose and (ii) a special pension calculated at the rate of Rs. 700/- per annum for each completed year of service as Comptroller and Auditor General. However, the aggregate of the two pensions will be subject to a maximum of Rs. 20,400 per annum. Similarly, it is also proposed to provide that a retired officer appointed to this office will also be entitled by way of pension to the aggregate of the pension admissible to him under the rules governing the service to which he belonged and a special pension calculated at the rate of Rs. 700 per annum for each completed year of service as C. and A.G. In this case also, the total will be subject to a maximum of Rs. 20,400/- per annum. These revised provisions regarding pension are proposed to be made applicable to persons demitting office as C. and A.G. after the commencement of the proposed legislation.

The Bill also seeks to amend two of

the sections of the Act dealing with the duties and powers of the C. & A.G.

Under Section 14 of the Act, the C. and A.G. is required to audit the receipts and expenditure of a body or authority which is substantially financed by grants or loans from the Consolidated Fund of India or of any State or of any Union Territory having a Legislative Assembly.

According to the Explanation, the grant or loan is treated as substantial if it is not less than Rs. 5 lakhs and the amount of such grant or loan is not less than seventy-five per cent of the total expenditure of that body or authority. As this limit involves audit of numerous institutions involving small amounts, it is proposed to enhance the limit from Rs. 5 lakhs to Rs. 25 lakhs.

16.00 hrs.

It is also proposed to provide that the C. and A.G. may, with the approval of the President or Governor or Administrator, undertake audit of the receipt and expenditure of a body or authority which is in receipt of Government grant or loan of rupees one crore or more in a year, though this may be less than 75% of the total expenditure of that body or authority.

To ensure some continuity in the audit, it is proposed to provide that where a body or authority comes within the purview of the audit of the C. and A.G. in any year, the C. and A.G. shall continue to audit the receipts and expenditure of such body or authority for the succeeding two years also even if the grant or loan to the body in those years is less than the limit prescribed.

The present opportunity is being availed of to amend Section 19 of the Act to provide for the laying of audit reports of the C. and A. G. in relation to the accounts of Government companies or corporations before Parliament or the Legislature of the State concerned.

This is an innocuous Bill. With these words I move.

MR. CHAIRMAN : Motion moved :

"That the Bill further to amend

the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, be taken into consideration."

Shri Satish Agarwal.

SHRI SATISH AGARWAL (Jaipur) :
At the outset I wish to compliment my dear friend Shri S.M. Krishna for having taken over the charge of this important portfolio -- Minister of State for Finance. This is a very challenging job. I wish him all well in this new assignment.

So far as the present Bill is concerned, I would be very brief in my observations. I welcome the measure.

As you are well aware, the powers and conditions of service of the Comptroller and Auditor General of India were decided somewhere in 1971; this amendment is being brought after thirteen years so far as this is concerned. As you are aware, the post of the Comptroller and Auditor General of India is provided in the Constitution itself. The Comptroller and Auditor General of India is a constitutional functionary like the High Court judges, Supreme Court judges or the Election Commissioner. Government having accepted the principle of additional pension available to the Comptroller and Auditor General of India after demitting office as Rs. 700 per annum every year, I fail to understand as to why this has been packed as Rs. 20,400/-. My only objection to the whole Bill is that this injustice which was there in the Act itself is being rectified now and the Government is providing now an additional pension benefit of Rs. 700/- per annum for each service year to the Comptroller and Auditor General, why have you fixed up any proviso that this will be subject to a maximum of Rs. 20,400/-. The only argument given is that the Cabinet Secretary gets a maximum pension of Rs. 20,400/-. Now in this particular connection I wish to observe that there cannot be any comparison so far as the emoluments of the Cabinet Secretary are concerned with that of the Comptroller and Auditor General of India. The Cabinet Secretary is a civil servant, while the Comptroller and Auditor General of India is a constitutional authority. If pensions of civil servants

are revised in between this period, say in another three years or four years, that can be done without amending the law.

But if the pensionary benefits of the C&AG are to be revised, then the Government will again come before Parliament to amend the law. This is another point.

Then, the Cabinet Secretary gets a salary of Rs. 3,500 while the C&AG as on date gets a salary of Rs. 4,000. It is not only that. Even under the Constitution, re-employment has been prohibited so far as the C&AG is concerned. But so far as the Cabinet Secretary is concerned, re-employment is not prohibited. Secondly, Sir, under the old scales, if I am not wrong, in 1971, the pension that was available to the All India Services—Secretaries, Cabinet Secretary or the Chief of the Staff—was Rs. 8100 while that of the C&AG was Rs 12,700. That Particular discrepancy or difference was already there in 1971. The Cabinet Secretary was getting Rs. 8,100 while the C&AG was getting Rs. 12,700. I fail to understand why the Government has not maintained the same parity now. Why do they beg at Rs. 20,400? If he has to be paid Rs. 15,000 or Rs. 20,000 or Rs. 22,000, Let him get whatever it is. A few thousand here and there does not make a difference. It is a question of principle. Why do you want to equate the position or post of the C&AG which has got wider jurisdiction and authority and particularly having a Constitutional sanction, with that of the Cabinet Secretary. I am sorry, Sir. This is one thing.

By this particular proviso which you have in your clause here that it will be a maximum of Rs. 20,400, you are lowering down the status and dignity of the C&AG's post and position. That is my whole objection to the Bill.

I welcome these measures. But so far as this provision is concerned, you are lowering down the prestige, position, status and dignity of the C&AG in the eyes of the whole world. The Comptroller & Auditor General's office is very very important. He is the only one authority which is associated with the Parliamentary Committees. I know, Sir, as being a Member of the Public Accounts Committee of Parliament and

being its chairman from 1981 to 1983, what services were rendered by the C&AG to various parliamentary committees, whether it is PAC or PUC or Estimates Committee or other committees. And in this particular post and position, he is never guided by anybody. The C&AG is never obsessed that he is a civil servant because he is not. He is a Constitutional functionary. He advises the Committees in such a way that we in the Committees are able to dissect the Governmental accounts, the whole wasteful expenditure, negatory expenditure and misappropriation of public funds by various civil servants in the entire country. These Committees are able to do only with the assistance of the C&AG. The C&AG can never be equated with a civil servant. The C & A G is not a civil servant. He has to be given some sort of a higher status. I am sorry to say that the Finance Ministry though it tried to do justice, accepting and admitting this particular position, could not do. I am reiterating on the floor of Parliament that they completely surrendered before the civil servants—the Cabinet Secretary. You made a proposal. The Finance Ministry accepted this position in principle. The Finance Ministry made this proposal that this maximum limit, should not be there. The Home Ministry approved the proposal that the maximum limit should not be there. But I do not know why at the civil servants' level—I mean, the Cabinet Secretary—the whole thing has been sabotaged and the Finance Ministry feel that they are helpless. The Finance Minister feels that he is helpless. The Home Minister feels that he is helpless. Of course, these two Ministers do not have any authority before the Cabinet Secretary ! They are too much junior to him. It so seems. Otherwise, this injustice should be rectified. The Minister should given an assurance on the floor of this House that his senior Minister will take up this issue again with the Prime Minister and see to it that this lowering down of the office, post and position of the C&AG will be rectified in times to come.

Apart from this, the Government has also availed of the opportunity of amending Section 19. While Amending Section 19 by Clause 4, you have laid down that the Reports of the Comptroller & Auditor General of India shall be placed before the

Parliament as well as the State Assembly as soon as possible. May I know from the hon. Minister whether it is not a fact that for more than 5 years or 6 years the Reports have been submitted to the State Governments by the Accountant General of various States but those Reports have not yet been laid on the Table of the State Assemblies for more than 5 or 6 years ? The State Governments are sitting tight over those Reports. The Members of the State Assemblies are being deprived of the work done by the Accountant Generals in various States. As those Reports are not placed on the Table of the House in each State Assembly, naturally, the Public Accounts Committee and the Public Undertakings Committee of those various States are not able to do their job effectively. Will he kindly look into that and direct or persuade or pressurise the various State Governments to lay the Audit Reports on the Table of the Assembly which are pending to be placed on the Table of the House for more than 5 or 6 years ? Will he also kindly take up the issue with the various State Governments that the Audit Reports should be placed on the Table of the House as soon as possible ? You have made a provision of "as soon as possible". This does not mean 5 or 6 years.

It is a good augury that so far as Parliament is concerned, you immediately place the Audit Reports as soon as possible though, of course, here also, you are making a small lapse. You have received the Audit Reports concerning Direct Taxes and Indirect Taxes ; you have received the Audit Reports concerning other Departments. But you have not yet placed those Audit Reports on the Table of the House. They are lying in the North Block for some weeks or for some days. Why are you withholding these Audit Reports ? We are going to have a general discussion on the Budget next week. It would have been better if the Audit Reports had been placed on the Table of the House. "As soon as possible" means as soon as the Finance Ministry gets them.

Lastly, I would like to make certain suggestions. One of the important suggestions is that the organisation of the Comptroller & Auditor General of India is an indispensable part of our system. The House may very well remember that it was for the

first time in the year 1921 that the first regular Budget of the Central Government was placed in the Central Legislative Assembly on 1st March, 1921. At the point of time, the total receipts were Rs 118 crores and the total expenditure was Rs. 128 crores, leaving a deficit of Rs 10 crores. In 1921, that was the colonial economy. After 1947, the colonial economy was converted into a national economy. Our Budget now runs into Rs 40,000 crores. So far as receipts side is concerned, our taxes are to the tune of Rs. 23,000 crores. With this change and various other governmental activities having taken shape, with the public sector occupying the commanding heights of our economy, does the Government not feel that so many other institutions and organisations which are outside the purview of the jurisdiction of the C&AG of India should be brought ? purview ?

Take, for example, the nationalised banks. The nationalised banks have occupied such a pivotal role in today's developmental economy. What is the position ? Excepting asking certain questions with regard to the functioning of the banks, no parliamentary committee can look into the accounts of the banks as such. We had nationalised banks in 1969. Some more banks were nationalised 3 or 4 years back. The total number of nationalised banks become 20. So far as the nationalised banking sector is concerned, the C&AG's office has no jurisdiction over them. Consequently, no parliamentary committee has any control over the functioning or the malfunctioning of the banks in this country. The total deposits of the banks may be near about Rs 65,000 crores or Rs 7,000 crores. The total developmental activities of this country are very much related to the functioning or malfunctioning of banks in this country now. And, therefore, it is very essential that this nationalised banking sector must be brought within the purview of Parliamentary control and that is possibly only when we bring it within the purview of the jurisdiction of CAG.

Similarly, LIC has near about a business of Rs. 130 crores in all. Just see the volume and yet LIC is outside the purview of the jurisdiction of CAG.

In the financial institutions like the

IDBI, IFCI and ICICI which are controlling the whole developmental or the industrial activities in this country, which are advancing loans to the tune of crores of rupees, so many defaults, frauds, dacoities, thefts and misappropriations and giving of advances against inadequate securities are taking place. There is no Parliamentary scrutiny as such of these financial institutions. Why not bring these important financial institutions which form the backbone of our economic development, within the purview of Parliamentary control ? And that can be possible only when they are brought within the jurisdiction of the CAG.

As I have repeatedly said in Parliament, the scrutiny by Parliament of public expenditure is very minimal in our country at present.

A Study Group was set up in London in September, 1979 and I was deputed by our Parliament to represent our country. That Study Group has come to the conclusion that there is much to be desired in regard to the scrutiny of public expenditure by Parliament and that some new ways and means should be devised in order to strengthen the effectiveness of Parliamentary control over public expenditure.

We have seen in our Parliamentary Committees, the Members of Parliament belonging to different Parties in the House, functioning as one man irrespective of party differences. There is consensus. There is no dissent. The whole approach of the Members of Parliament in the Committees is bureaucrats *versus* democrats. In the Committees, we all function as a team, giving up Party affiliations.

The Kuo Oil deal was brought to light by the report of the Committee on Public Undertakings which is headed by a Congressman. It became a possibility because in the Committees we all look to the interests of the nation as a whole and, therefore, it was possible to bring forth that report. Otherwise, that report would not have seen the light of the day.

That is the reason why I strongly plead in this House that the Ministry of Finance especially should consider and agree to the various proposals made by Members of

Parliament regarding creation of more Committees.

For instance, we have got one Committee on Public Undertakings. Our investment is nearing Rs. 30,000 crores in public sector. We are not getting that much we should get. Now we have got only one Committee. And we have got more than 200 public sector undertakings in the Central sector. Hardly 10 undertakings are examined by the present Committee on Public Undertakings. The rest of the undertakings are left out of the examination of the present PUC. How can we examine 200 or more public undertakings unless we have two or three Committees on Public Undertakings ?

If we have two or more Committees on Public Undertakings, we can divide the functions and there can be a Committee each to look into the affairs of those companies which are manufacturing, of those which are non-manufacturing, of those having more than Rs. 500 crores investment, of those having Rs. 100 crores investment, of those with trading aspects of the Government of India and of those with commercial aspects of the Government. Some sort of a division of work can be made between the different committees.

But the Ministry of Finance is very much concerned about it and is opposed to the creation of more Committees not only when suggested by me or by Prof. N.G. Ranga but even when suggested by the Hon. Speaker. There is no reason why this suggestion should not be accepted when we have got such Subjects Committees in Kerala in our own country and in foreign countries like U.K., Australia, and recently about three or four years back in Canada also.

I made a humble plea in the House that we should pressurise the Government to create more statutory committees in order to have more control over the administrative affairs of this country.

If only we create more statutory committees and if only we really expand the area and jurisdiction of the CAG, can there be more effective control by the Audit and more check on wasteful expenditure in the country ?

With these observations, I would plead

with my Hon. friend Shri S.M. Krishna to take up these issues with the Senior Minister and see to it that the injustice which is meted out to the post position of CAG irrespective of the man today or tomorrow is removed. I hope that Shri S.M. Krishna would prevail his view point upon the civil servants in the Prime Minister's Secretariat and would rectify the mistake

So far as the other points are concerned, I hope you will take appropriate action at the appropriate level.

With these observations and comments, I support the Bill by and large.

श्री कमला मिश्र मधुकर (मोतीहारी) :
शभापति जी, इस बिल को सपोर्ट न करने का तो कोई सवाल ही नहीं उठता। श्री अग्रवाल जी ने इस बिल को बहुत एक्सप्लेन कर दिया है इसलिए मैं इस पर अधिक कुछ नहीं कहूंगा।

मैं इस बिल पर बोलते हुए एक नया प्रश्न उठाना चाहता हूँ। हमारे बिहार में आडिटरस ने बहुत यूजफुल काम किया है जिनके बारे में मैं एक घटना मंत्री जी को बताना चाहता हूँ। बिहार के सिक्कोरिटी प्रिंस में 9 लाख रुपये की मनोरजन कर की जाली स्टाम्प छपी। बिहार के आडिटरो ने ही इस बात का पता लगाया और रिपोर्ट बनाई। जब बिहार के अधिकारियों को इस बात का पता लगा कि 9 लाख रुपये की जाली स्टाम्प छपने का पता लग गया है तो आडिटरों को मुअत्तिल करने की धमकी दी जा रही है और उन पर यह दबाव डाला जा रहा है कि उस रिपोर्ट को रफा-दफा कर दिया जाए।

मैं इस बात को सदन में कह रहा हूँ और मैं चाहूंगा कि मंत्री जी बिहार में हुए इस गोल-माल के बारे में पता लगाये कि 9 लाख रुपये की जाली स्टाम्प वहां छपी या नहीं छपी। अब उन आडिटरों को जिन्होंने इस गोलमाल का पता लगाया उन्हें इस सही काम के बदले में मुअत्तिल किया जा रहा है या नहीं। सही काम के बदले में, उनको मुअत्तिल किये जाने के या धमकी दिये जाने के बजाए पुरस्कृत किया जाता,

उन पर यह कार्यवाही की जा रही है। मैं यह बात इसलिए कह रहा हूँ कि आडिटर लोगों ने किस तरह से अच्छा काम किया है और उनको उस अच्छे काम के बदले में सजा दी जा रही है। आडिटरोँ ने जाली स्टाम्प छपने का पता लगाया है, वे बेगुनाह लोग हैं, उनको पुरस्कृत किया जाना चाहिए, न कि उनको सजा दी जानी चाहिए। आप इसको देखें और इस पर कार्यवाही करें।

SHRI HARIKESH BAHADUR (Gorakhpur) : Mr. Chairman, Sir, so far as this Bill is concerned, I am not rising here with the intention of opposing it. But certain modifications are necessary. Hon. Member Shri Satish Agarwal has already delivered a very eloquent speech advancing good arguments and I hope that the hon. Minister will accept all those points which have been raised by Shri Satish Agarwal—because I am also of the same opinion. Once you are providing Rs. 700/- per annum as an additional pension, as a special pension, to the Comptroller & Auditor General, why should there be this maximum limit of Rs. 20,400/- per annum? That is perhaps because the Cabinet Secretary also gets that. Once you are equating the Cabinet Secretary with the Comptroller & Auditor General of India, I find that there is a great injustice done to the post of C.A.G. itself because the C.A.G. is really a constitutional authority while the Cabinet Secretary is a civil servant, and you cannot equate a civil servant with a Constitutional authority. If you are doing this, then it is a great injustice and, therefore, I would like that you withdraw this Bill and bring forward another one. I do not know what the hon. Minister is going to do in this matter, but definitely I would like to plead with him that he should correct this position and come before the House with a modified Bill.

The second point I would like to raise is, as Mr. Satish Agarwal has already said, in the year 1971 this pension limit for the C.A.G. was more than that for the other officers of the Central Government, including the Cabinet Secretary. Then, what has prompted him to bring it to that level again which means that there is something wrong and perhaps the entire Finance Ministry is

being dictated from a particular place, where they cannot dare to do anything. If any direction comes from there, then it becomes difficult for the entire Government to go against that. But, if that direction is wrong, certainly the Minister must take up that issue with the main person who is creating a terror for the entire Cabinet.

The second point I would like to say is that all the financial institutions like banks, LIC, the Industrial Development Bank of India and others should also be brought under the purview of the Comptroller & Auditor General so that they can be properly scrutinised and the public money which sometimes we feel is being wasted or being misused or that there is some kind of mismanagement—that may also be properly checked by the C & AG.

So far as the reports submitted by the C&AG are concerned, I would like to ask that there must be a specific time-limit and within 3 months of receipt of the report, it should be placed before the Parliament.

I hope these modifications will be made by the hon. Minister and then we will be for the passing of this Bill. I hope he will accept my suggestions.

SHRI G. L. DOGRA (Jammu) : I am here to support the Bill. Propriety requires that the C & AG's status should be higher than that of other civil servants. It is not necessarily that it is the pay that makes for an independent and statutory authority or constitutional authority. Otherwise in the Constitution he has his own position irrespective of the pay but propriety requires that some status should be given. Naturally, when the man becomes Comptroller & Auditor General before that he has served in various capacities. It is not that a man is recruited direct from the market or recruitment made from politicians. So, naturally that is not a very strong point but propriety requires that his status should be higher than that of other authorities. But it is not a condition precedent. The main thing is that not only the CAG's status should be higher but his organisation will have to be expanded and expansion means that because the activities of the Government are expanding, the expenditure is going up, the departments are expanding, his orga-

nisation also should be expanded and I do not think it is taking place — including the offices of the Accountant-Generals in the States in the same proportion.

A quick audit is very necessary to control the irregularities. Therefore, that aspect should also be kept in view not immediately in passing this Bill, that is not a condition precedent but that aspect will have to be looked into by the Auditor-General and the proposal for further staff means not only the lower staff but also the officers as the deeper they go into it and the more they examine it, the more useful it is.

I also support the suggestion of my friend, Mr. Agarwal that the control of Parliament over the expenditure and scrutiny of the reports of the C&AG should be as thorough as possible. And that is possible only if we increase the number of committees which the House appoints because financial control cannot be ensured merely by passing the Bill and discussing it but actually we must be able to look into the expenditure, how it is being done, where the loopholes are and whether there are any loopholes in the system etc. As has been rightly pointed out, the number of public sector organisation and other organisations are increasing as also expenditure on various other things and I think the PAC is not able to do justice. A thorough scrutiny of certain departments is necessary. For example, the expenditure by the Railways requires to be watched. In Defence also although there are certain things which cannot be thoroughly discussed in the House, although you cannot publicly do certain things, yet, when you go into the accounts you will find that there is a certain wasteful expenditure incurred by them which could have been avoided. That is one aspect which should be kept in mind. And somebody will have to go into that thoroughly. That should be gone into by a Committee of Experts as also by the Auditor General. And on the Parliament side also, we must go into these matters and we must see as to how other countries are doing. Taking the views of these countries, the Parliament or whatever may be the appropriate body, should look into these things and make certain suggestions. These should then be thoroughly discussed. The expenditure goes on increasing year by year but the scrutiny is lagging behind. That is

the experience that I have. I too was connected with the State Legislature as well as Parliament. In Parliament it is my first term. My experience here shows that the scrutiny of expenditure is not as much as it should be.

With these suggestions and remarks, I support the Bill. We should pass this Bill, as it has been brought forward and, at the same time, we should give suggestions to the hon. Minister so that he can examine them and further discuss these points and then take some action on them.

With these words, I thank you, Mr. Chairman.

MR. CHAIRMAN : Shri Krishna.

PROF. SAIFUDDIN SOZ (Baramulla) : Before he starts, I want to say that from both sides of the House, this Bill has been supported. There is no doubt that this is a progressive step taken by Government. I would request the Minister to take into account the points raised by Shri Satish Agarwal. Around Rs. 60,000 crores are circulated through the Banks and around Rs. 30,000 crores through the L. I. C. But, this huge amount of money does not fall within the purview of Parliament. It is a very serious thing. For the sake of discussion we can go on speaking. Nobody takes note of these from the Treasury Benches. (*Intrrptions*) At least since the hon. Minister is likely to answer the points raised in this House, he must kindly express his opinions on the specific points raised by Shri Satish Agarwal. He has raised very important points, Sir.

MR. CHAIRMAN : Now, the hon. Minister will reply.

SHRI S.M. KRISHNA : Mr. Chairman, I must thank Shri Agarwal for speaking on this Bill with a degree of authority that he could legitimately command by virtue of the fact that he was associated with the management of the finances of this country for quite some time. Any suggestion made by a distinguished Member like him deserves the utmost consideration and I take this opportunity of thanking him for the very constructive and thought-provoking suggestions which he has made.

There are no two opinions at all that the

Constitution places the Auditor-General in an altogether different pedestal as compared to other civil servants of the Government. And that was perhaps the reason why that special enactment of Parliament was necessary; this is necessary in order to regulate the functions and various other duties of the Comptroller and Auditor-General. Now, we too realise that the office has got to be treated with utmost respect and special consideration. With reference to the equation of the pensionary benefits which accrue to a retiring CAG there have been some discrepancies in the past and all that the Bill attempts to do now is to set these distortions right. But it is debatable whether any pecuniary consideration either enhances the importance of a particular office or minimises the importance of a particular office. Here there could be honest differences of opinion and as our distinguished friend, Shri Dogra, pointed out in order to gauge the importance of a particular office the financial emoluments need not necessarily be the only measuring yardstick and, perhaps, that is the spirit with which this amendment has been brought about.

As regards the point that Shri Satish Agarwal made about the placing of these reports promptly before Parliament and State legislatures, I may say that it is a fact that in some State legislatures this is not being done and, perhaps, we will on our own would like to make some queries as to whether or not the reports are being placed promptly but it also depends upon how vigilant the State legislature itself is about asserting his own right. The point that we should persuade and try to pressurise them to place these reports is also well taken.

(Interruptions)

The other point that Shri Satish Agarwal has made is about the good work that various Committees of Parliament are doing and the useful contribution that the office of CAG is making to make the work of the committees more meaningful and productive is good and it is the desire of the Government that they should continue to do this work.

Two specific points have been made by Shri Satish Agarwal about bringing the

banks and LIC under the Parliamentary control through the CAG. But I may respectfully submit to this House that the nationalisation of banks, which has been approved by this Parliament through an enactment, provides its own checks and counter-checks, auditing and various other things.

Government feel that the workload of the C&AG is growing day by day. So, any suggestion which will add to the workload of the C&AG will have to be looked into with a degree of caution. While this is not an assurance, the suggestion of the hon. Member will certainly be considered. Let me hasten to add that when the LIC was nationalised, it provided for its own audit. So, it would not be fair to say that there is no Parliamentary control over the functioning of banks or auditing the accounts of nationalised banks. Parliament, as the supreme legislative body of this country, has a decisive say in the affairs of the nationalised banks as well as the LIC, which are part and parcel of the Government.

Shri Madhukar made a point about the Bihar Security press. I will have that checked up.

Shri Harikesh Bahadur has more or less reinforced the suggestions made by Shri Satish Agarwal. Our friend from Jammu and Kashmir has also added his bit to the arguments which have been made.

Before concluding, let me reiterate that the Government attaches the greatest respect to the office of the C&AG. We realise the special pedestal that the Constitution provides for this office.

With these words, I commend the Bill for consideration.

MR. CHAIRMAN : The question is :

“That the Bill further to amend the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, be taken into consideration.”

The motion was adopted.

MR. CHAIRMAN : We will now take up clause by clause consideration. The question is :

"That Clauses 2 to 4 stand part of the Bill"

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI S.M. KRISHNA : I beg to move:

"That the Bill be passed"

MR. CHAIRMAN : Motion moved :

"That the Bill be passed"

श्री रामावतार शास्त्री (पटना) : सभापति जी, मैं अपने दक्तव्य को पढ़ने के पहले आप तमाम लोगों से क्षमा मांग लेता हूँ अगर मेरी बात पसन्द नहीं आये तो मुझे क्षमा कर दीजिये। लेकिन मैं समझता हूँ कि इस बात को यहां उठाना आवश्यक है।

नियंत्रक और महालेखा परीक्षक (कार्य शक्तियां और सेवा की शर्तें संशोधन) विधेयक, 1984 के क्रम में मैं केवल एक सवाल सरकार के सामने विचार एवं आवश्यक कार्यवाही के लिये सदन के सामने पेश करना चाहता हूँ।

संसद् की 5 महत्वपूर्ण समितियां तथा कुछ अन्य समितियां महत्वपूर्ण कार्य कर रही हैं जिनसे सरकारी कार्यों में बहुत मदद मिलती है एवं सरकार के मन्त्रालयों, विभागों, अधीनस्थ कार्यालयों और कम्पनियों के कार्यकलापों पर नियंत्रण रखने में मदद मिलती है। संसद् की वे समितियां इस प्रकार हैं :—

1. लोक लेखा समिति
2. पब्लिक अण्डर टेकिंगज कमेटी (सार्वजनिक उपक्रम समिति)
3. एस्टीमेटस कमेटी (प्राक्कलन समिति)
4. अनुसूचित जाति और अनुसूचित जनजाति कल्याण समिति और
5. संसदीय राजभाषा समिति आदि और छोटी-छोटी कमेटियां। इनमें उपरोक्त प्रमुख पांच हैं।

संसद् के सत्रों के बाद ये पांचों समितियां अपने कार्यों के सिलसिले में देश के विभिन्न भागों का दौरा करती हैं। जिन कार्यालयों कम्पनियों, सार्वजनिक संस्थानों के कार्यकलापों की जांच के लिये ये समितियां जाती हैं, वहां से इनके सदस्यों और स्टाफ के लोगों को कीमती वस्तुएं भेंट की जाती हैं। ऐसा किस हिसाब से किया जाता है और किस फण्ड से किया जाता है ?

सन 1974 में मैं पब्लिक अंडरटेकिंगज कमेटी का सदस्य था। उस समय इण्डियन आयल कार्पोरेशन की ओर से कमेटी के प्रत्येक सदस्य एवं स्टाफ के लोगों को भेंट में कीमती टेबल घड़ी और कीमती टेबल लैम्प दिये गये। मैंने दोनों वस्तुओं का एक पैकेट बनाकर उस समय के पेट्रोलियम मन्त्री श्री डी० के० बरुआ के पास विरोध-पत्र के साथ वापिस कर दिया। साथ ही मैंने उस प्रकार की कीमती भेंटों का विरोध करते हुए प्रधान मन्त्री और महालेखा परीक्षक के पास पत्र लिखकर इस बात की मांग की कि किस कोष से इस प्रकार की भेंट दी जाती हैं ?

इस बात का प्रकाशन उस समय अखबारों में बहुत मोटे हरफों में किया गया, किन्तु दुःख है कि महालेखा परीक्षक की ओर से कोई जवाब नहीं मिला। परन्तु इसका परिणाम यह जरूर निकला कि इस प्रकार की भेंट देने की प्रथा बंद कर दी गई।

सभापति महोदय : यह कोई प्रथा नहीं थी, एक उदाहरण हो गया।

श्री रामावतार शास्त्री : सबको देते हैं। परन्तु खेद के साथ कहना पड़ता है कि जनता गवर्नमेंट के राज्य में भेंट देने की यह प्रथा पुनः जारी कर दी गई, जो आज तक जारी है।

1980 के चुनाव के बाद मैं प्रधान मन्त्री को कीमती वस्तुएं देने के विरोध में दो पत्र लिख चुका हूँ, परन्तु भेंट देने का सिलसिला जारी है

जो कि उन्होंने जवाब में यह अवश्य कहा था कि ऐसा नहीं होना चाहिये।

कमेटी के सदस्यों के नाम पर मन्त्रालयों, विभागों, अधीनस्थ कार्यालयों की ओर से पंच-सितारा होटलों में भोज आयोजित किये जाते हैं जिनमें संसद् सदस्य तो बहुत कम होते हैं, सरकारी अधिकारियों की बड़ी पलटन भोजों में शामिल रहती है। इस प्रकार लाखों करोड़ों रुपये का अप-व्यय होता है।

जब श्री ज्योतिर्मय बसु लोक-लेखा समिति के अध्यक्ष थे, तो उन्होंने भोज के सिलसिले को बन्द कर दिया था। महालेखा परीक्षक को इन बातों का जायजा लेना चाहिये ताकि सार्वजनिक धन के अपव्यय को रोका जा सके। अगर यह अधिकार उन्हें प्राप्त है, तब तो ठीक है, अगर प्राप्त नहीं है तो यह अधिकार उन्हें देना चाहिये और उन्हें इस अधिकार का प्रयोग भी करना चाहिये।

SHRI SATISH AGARWAL : It is a good suggestion for consideration.

MR. CHAIRMAN : The hon. Minister will reply to this.

SHRI S.M. KRISHNA : I was a Member of the Committee on Public Undertakings between 1981-82 and 1982-83. I did visit some of the public sector units. Unfortunately, I was not the recipient of any gifts except the Air India calendar and the Indian Airlines calendar which all of us do get as Members of Parliament. When we visited Mysore Sandal Factory, they gave us some sandal soap which is very customary. But I entirely agree with the spirit with which Shri Ramavatar Shastri has been saying, with the rich experience that Shastriji has in parliamentary life. He has also rightly said that he had brought it to the notice of the Prime Minister and the Prime Minister, of her own, had expressed displeasure. If some companies try to influence or impress upon

Members of Parliament, they are sadly mistaken. Our Members of Parliament are not so gullible as to be impressed by the little gift that they give either to pass on a word of praise if there is incompetence or vice-versa. But, anyway, I entirely agree with the spirit of Shastriji.

SHRI RAMAVATAR SHASTRI : There are three sub-committees of the Committee on the Official languages. Those who are visiting banks, they are getting very valuable presents. I know it personally although I am not in that sub-committee.

SHRI SATISH AGARWAL : I would like to make one suggestion. I think it would be more appropriate if you pass on a copy of this speech to the hon. Speaker because the hon. Speaker is issuing guidelines and directions to various Committees and Chairmen with regard to these gifts and present. I distinctly remember when I was Chairman of the PAC. We had decided that no costly gift should be accepted by any member of the Committee and no costly gift should be given. Of course, we have also been receiving calendars, diaries, some small ballpens. But then we were very vigilant about it. But this does happen. This is true, this does happen and something has to be done on this score. The best authority to take action in this case is the hon. Speaker. So, you may bring it to his notice or send a copy of Shri Shastri's speech to the hon. Speaker for his directions.

श्री इन्द्रजीत गुप्त (बसीरहाट) : सभापति महोदय, माननीय सदस्य ने घड़ी और दूसरी चीजें वापस कर दीं। इसके लिए आप उन्हें बधाई तो दीजिए।

सभापति महोदय : मैं अपने मन से उन्हें बधाई देता हूँ। उन्होंने अच्छा काम किया है। मैं समझता हूँ कि हम सब उसका अनुकरण करेंगे।

The question is :

“That the Bill be passed”.

The motion was adopted.