

18.08 hrs.

APPROPRIATION (NO. 3) BILL*, 1978

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Sir, I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1978-79.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 1978-79."

The motion was adopted.

SHRI H. M. PATEL: I introduce† the Bill.

MOTION UNDER RULE 388

SUSPENSION OF RULE 218(2) IN RESPECT OF APPROPRIATION (NO. 3) BILL, 1978

THE MINISTER OF FINANCE (SHRI H. M. PATEL): I beg to move:

"That this House do suspend sub-rule (2) of rule 218 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Appropriation (No. 3) Bill, 1978."

SHRI HARI VISHNU KAMATH (Hoshangabad): On a point of order, Sir. At the outset, may I remind you of what happened in the House a few days ago? An exception was made because the Rajya Sabha was about to adjourn and therefore, you rightly ruled that day that that will not be a

precedent. Now, sub-rule (2) of rule 218 says:

"At any time after the introduction in the House of an Appropriation Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages ..." etc.

This rule is sought to be suspended. I find that this motion has come rather prematurely. The business has been badly arranged. There is no motion before the House either for consideration or for passing. It is coming next. At the moment, there is no motion before the House either for consideration of the Bill or for passing the Bill. It is blank; it is a vacuum. Please see Rule 388 which says:

"Any Member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House."

There is no motion before the House with regard to consideration and passing at all now. It is coming next. So, the arrangement of business is very faulty and defective, and therefore, this motion cannot arise with regard to a motion coming next to it. There is no motion before the House at the moment.

MR. SPEAKER: You are technically right.

SHRI HARI VISHNU KAMATH: Please give your ruling on this.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, if he is technically right, in which way he is wrong?

MR. SPEAKER: Whether he should move it first or second.

SHRI HARI VISHNU KAMATH: I remember in the third Lok Sabha

* published in Gazette of India Extraordinary, Part II, section 2, dated 26-4-1978.

† Introduced with the recommendation of the President.

there was a similar occasion and it was solved like this. The first part of the item would be (a) motion for consideration, and (b) would be 'suspension of the Rule, the two together as one item. This is wholly wrong.

MR. SPEAKER: Cure it by asking him to move for consideration and both of them will be taken together.

SHRI HARI VISHNU KAMATH: Simultaneously.

MR. SPEAKER: Mr. Minister you move for consideration and then for suspension.

(Interruptions).

SHRI HARI VISHNU KAMATH: What is your ruling?

(Interruptions).

SHRI M. KALYANASUNDARAM (Tiruchirappalli): I am opposing the motion for suspension of Rule 218 under Rule 388 not on technical grounds as opposed by my hon. friend Mr. H. V. Kamath. What is the implication of the suspension of that Rule? That means, the Appropriation Bill will be rushed through without a proper debate. That is the implication of the suspension of the rule. I want a clarification from you that a proper opportunity should be given for the debate over the Appropriation Bill.

MR. SPEAKER: The debate will not be continued today. It will be continued tomorrow.

SHRI M. KALYANASUNDARAM: Then why should that rule be suspended?

MR. SPEAKER: To see that this is passed today, and the Finance Bill taken up tomorrow.

SHRI JYOTIRMOY BOSU: Sir, my point of order is under Rule 218, subpara (4), which says:

"The debate on an Appropriation Bill shall be restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already

been raised while the relevant demands for grants were under consideration."

For that, a Member is required to give a notice giving details with an explanatory note as to which are the uncovered things on which he is allowed to speak.

MR. SPEAKER: Now you have to move for consideration.

SHRI C. M. STEPHEN (Idukki): I am afraid, Sir, we cannot take these things in a very routine manner. We are now transacting the financial business. The Members of Parliament have got certain basic rights. It cannot be just steam-rolled out. In the Appropriation Bill there are two or three stages—introduction stage, then there is a discussion about it, Members must have the right to speak on that. There are many demands which we could not discuss and sub-rule (4) takes care of those demands. Sub-rule (4) of Rule 218 says:

"The debate on an Appropriation Bill shall be restricted to matters of public importance or administrative policy implied in the grants covered by the Bill which have not already been raised while the relevant demands for grants were under consideration."

There were demands for grants which we could not discuss. Public policies may be involved in that, and this is an opportune stage at which we can express our opinion about those matters and we must get an opportunity about this. You just cannot suspend in a routine manner certain things which are here. Now, if the suspension is pressed for, then I press for a debate on the suspension motion. I am entitled to express my opinion about the suspension motion. I am opposing the suspension of this rule; I am opposing the move of the Government to block out the right of the Members of the House to express themselves on the

[Shri C. M. Stephen]

residuary matters. We have got a right to speak about these matters. Therefore, under the circumstances, sub-rule (2) cannot be suspended, and the Appropriation Bill cannot be pushed through in the manner they are seeking to push it through.

SHRI JYOTIRMOY BOSU: On a point of order.

SHRI C. M. STEPHEN: I have not finished. It cannot be pushed through. Therefore, there are 2 or 3 stages. The first question is whether sub-rule (2) should be suspended or not. There, the technical point raised by Mr. Kamath remains; and on that, a ruling has got to come forth. And if you say that this motion is in order, in spite of the fact that there is no motion, a motion for suspension must be in relation to a business of the House pending before the House; that such-and-such a rule will not apply to such-and-such business before them. As Mr. Kamath rightly pointed out, there is no business before the House. There, without any relation to a particular business before the House, the rule cannot be suspended at all. That is not a technical matter. Therefore, rule 388 does not apply. If you hold that rule 388 does apply, then as a Member, I have a right to ask for a debate on that motion. Because I oppose that motion, I must be permitted to put forth my point of view as to why that motion must not be accepted. Suspension of a rule is not a routine matter. It is a serious matter, particularly in relation to the Appropriation Bill. Therefore, I would beseech of you to give a ruling as to how this motion comes within rule 388. According to me, it does not. And if you give a ruling, then I will raise my objection as to why it should not be admitted. I reserve my right to have my say, by way of opposition to the motion for suspension of the rule.

SHRI JYOTIRMOY BOSU: On a point of order. Rule 218, sub-rule (5) is clear enough. It says:

"The Speaker may, in order to avoid repetition of debate, require members desiring to take part in discussion on an Appropriation Bill to give advance intimation of the specific points they intend to raise, and he may withhold, permission for raising of such of the points as in his opinion appear to be repetitions of the matters discussed on a demand for grant or as may not be of sufficient public importance."

Those Members who have given notice with sufficient points and explanatory notes have a right to speak. Others don't have.

SHRI C. M. STEPHEN: The simple answer to that, is that under sub-rule (2), you have got to fix a date on which the debate has to take place. It is only when you fix a date on which a debate takes place, that I have got to intimate the points that I am seeking to raise. Now, what is sought to be suspended is sub-rule (2), which provides for the fixation of a date and time. Therefore, until the date and time is fixed, I don't have to give notice at all. Sub-rule (2) must remain. The moment you say that it will be discussed on such-and-such a date, I will give notice about it. Then alone sub-rule (5) will apply; not otherwise.

SHRI VAYALAR RAVI (Chirayinkil): Before you give a ruling, we want to make our position clear. Under rule 218, there are sub-rules (1) to (6). One point is clear. Even though, under sub-rule (5), as Mr. Bosu said, you can avoid repetition, it does not prevent any Member from making any points. It only enables the Speaker to prevent any repetition of points already spoken about. As Mr. Stephen put it, sub-rule (2) is operative because no debate has been fixed. We strongly feel that it is a matter of policy, and it relates to budget. There must be a debate. Therefore, in that context, the motion moved cannot be accepted.

SHRI K. P. UNNIKRISHNAN (Badagara): I want to make a submission. The basic rights of this House are involved; and this House has a particular concern, because under the Constitution, we have certain special rights as far as these Appropriation Bills are concerned. Attempting in any way to curtail these rights almost amounts to curtailing the basic, constitutional rights of this House. And if you lay down a procedure or accept a procedure whereby these rights of this House are curtailed, it will be a great tragedy. I am sure you will not be a party to it, and in your just ruling, you will uphold our point of view.

SHRI SAUGATA ROY (Barrackpore): Rule 388 comes into picture only when there is a sufficient urgency. Is the treasury going to collapse or something of that sort going to take place? Then you can deprive us of the parliamentary right to put forward a point of view. Now you are suspending a particular rule. We take it that the Government has collapsed or the treasury has collapsed and the Government has no money to spend. Otherwise, why do you deprive the Members of the right to speak? Why do you use rule 388 to allow the Minister to move for a suspension of the rules? Discussion on many important Demands like those of Communications, Atomic Energy, Energy etc. has been stifled. Debate on absolutely fundamental and basic matters of Government policy, concerning public welfare, has been curtailed and the Demands have been guillotined. I want to know from you what was the whole urgency in applying guillotine at this stage and applying rule 388 for the suspension of the rule? We expect at least an explanation from the Government why they are so eager to stifle the debate, dissent and dissatisfaction within this House?

SHRI SHYAMNANDAN MISHRA (Begusarai): Sir, may I draw your attention to one point about this? So far as the suspension of this rule is concerned, the House must first be apprised of the particular aspect of

that rule, which has to be suspended. Otherwise, there would be great difficulty for the House, for the Minister and also for the Appropriation Bill. There would be no allotment of the day at all. If sub-clause (2) of rule 218 is suspended altogether, then there would be complete vacuum, there would be, to repeat, no allotment of day for the Appropriation Bill, there would be no stages of the discussion or anything of that kind. So, in making a motion the hon. Minister will have to be very specific on the aspect of rule 218(2) that is going to be suspended, quite apart from the point that has been made by my hon. friend, Shri Kamath, which is extremely important, namely there is no motion before the House, which can be taken into account in suspending a rule. There is no such motion because we have not gone to that stage. Therefore, the Chair must particularly look into all aspects of the suspension. Otherwise, there will be a complete vacuum in this matter, there can be no discussion on the Appropriation Bill at all, the Appropriation Bill may not come at all. How can the Appropriation Bill come before the House unless there is an allotment of time? And there cannot be an allotment of time if rule 218(2) is suspended. It is an absurd position in which the House would land itself if rule 218(2) is suspended in a blanket way.

जी हुकम देव नारायण वाच्य
(मधुबनी) : अध्यक्ष महोदय, मैं नया प्राचीनी
हूँ लेकिन जो कल 221 है उस को जब चकता
हूँ तो उस में यह लिखा है कि —

“इन नियमों के अन्तर्गत अध्यक्ष द्वारा
प्रयोग की जाने वाली कक्षियों के
प्रतिरिक्त अध्यक्ष एसी सब कक्षियों का
प्रयोग कर सकेगा जो समस्त त्रितीय कार्य
को समय पर पूरा करने के प्रयोजन..”

त्रितीय कार्य को समय पर पूरा किया
जा सके इस के लिए यह कल 221 अध्यक्ष
को पूरी पावर देता है और इस में कहीं रोक
नहीं है। यह आप के ऊपर है मैं नया प्राचीनी

[श्री हुकम देव नारायण यादव]

हूँ लेकिन इस रूल को पढ़ता हूँ तो इस रूल से तो आप को पूरा अधिकार प्राप्त है ? फिर दूसरे रूल का प्रश्न ही नहीं उठता है । वित्तीय कार्य को समय पर पूरा करने के लिए आप सभी शक्तियों का प्रयोग कर सकते हैं ।

SHRI B. SHANKARANAND (Chik-kodi): Sir, you look at the Order Paper for today. Item 16 refers to the introduction of the Appropriation Bill. It has been introduced. Now, what is the business before the House about which you are suspending the rule? Rule 218(2) says:

"At any time after the introduction in the House of an Appropriation Bill, the Speaker may allot a day or days, jointly or severally, for the completion of all or any of the stages involved in the passage of the Bill by the House, and when such allotment has been made, the Speaker shall, at 17.00 hours on the allotted day or the last of the allotted days, as the case may be, forthwith put every question necessary to dispose of all the outstanding matters in connection with the stage or stages for which the day or days have been allotted."

Now, what happens if you suspend this? Can the Appropriation Bill come up again? You read the rest of the sub-rules, sub-rules 3, 4, 5 and 6 which follow sub-rule 2. If at this stage this House is going to suspend the rule, I do not know what will happen to the Appropriation Bill. Can you bring it again before the House, because you have to pass it? I think the Minister has chosen the wrong time for asking the House for leave to suspend the rule.

SHRI VASANT SATHE (Akola): This is only misappropriation.

SHRI H. M. PATEL: It has not taken place yet.

MR. SPEAKER: What is the difficulty? Will there be any practical

difficulty if we take up the Bill tomorrow?

SHRI H. M. PATEL: No.

MR. SPEAKER: Then, suspension is not necessary.

SHRI H. M. PATEL: I am quite willing.

MR. SPEAKER: Then, we can have it tomorrow. Suspension is not necessary at all. I have fixed tomorrow as the date.

BUSINESS ADVISORY COMMITTEE SIXTEENTH REPORT.

THE MINISTER OF PARLIAMEN-TARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): I beg to present the Sixteenth Report of the Business Advisory Committee.

18.28 hrs.

[SHRIMATI PARVATHI KRISHNAN in
the Chair]

HALF HOUR DISCUSSION

PRICE HIKE ON TYRES.

SHRI K. P. UNNIKRISHNAN (Badagara): The discussion that I am raising today is of great relevance and is illustrative of this Government's double-faced economic policies. Nothing illustrates it more than the price hike on automobile tyres announced by the tyre manufacturing companies last month.

This morning we have been given the blueprint of the Janata Party to end what they call industrial feudalism. I must say I welcome it. On the surface it is a good document, but they have also been saying something more for the last one year or so. Particularly my friend the hon. Minister for Industry, comrade George Fernandes, has said that he is opposed to multi-nationals, that he is opposed to monopolies and is very