

12.38 hrs.

ELECTION TO COMMITTEE

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

SHRI SAKTI KUMAR SARKAR
(Joynagar): I beg to move:

"That the members of this House do proceed to elect in the manner required by sub-rule (3) of Rule 254 of the Rules of Procedure and Conduct of Business in Lok Sabha, one member from among themselves to serve as a Member of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes for the unexpired portion of the term of the Committee *vice* Shri Partap Singh died".

MR. SPEAKER: The question is:

"That the members of this House do proceed to elect in the manner required by sub-rule (3) of Rule 254 of the Rules of Procedure and Conduct of Business in Lok Sabha, one member from among themselves to serve as a member of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes for the unexpired portion of the term of the Committee *vice* Shri Partap Singh died".

The motion was adopted.

12.39 hrs.

MATTER UNDER RULE 377

WRIT PETITION RE. PRESIDENTIAL ORDER
FOR WITHDRAWAL OF CERTAIN AMOUNTS
FROM THE CONSOLIDATED FUND OF
UNION TERRITORY OF PONDICHERRY

SHRI SEZHIAN (Kumbakonam): Under Rule 377 of the Rules of Procedure of the House I may be permitted to bring to the attention of the House the outcome of the writ petition filed by me and Shri Sivaprakasam, Member of the Rajya Sabha, in the High Court in respect of the withdrawal of certain amounts from the Consolidated Fund of Pondicherry.

As the House is aware, after the dissolution of the Legislative Assembly of Pondicherry, a Presidential Order was issued on 29th March, 1974, seeking to withdraw about Rs. 5 crores from the Consolidated Fund of the Union Territory of Pondicherry. When the Order was sought to be placed on the Table of the House on 2nd April, this was objected to by the Members of the Opposition. On that day it was not possible for the Government to place it on the Table of the House. Next day it was again argued and the Speaker in his wisdom made this observation:

"After listening to the points raised yesterday and after listening to the replies given by the Law Minister, my view is that the financial procedures on money grants are purely within the jurisdiction of Parliament."

Again, it could not be placed on the Table of the House.

It has been the practice of the House and the Speaker not to pronounce on the question of legality or constitutionality of an Order or of a Bill because that does not come within the purview of the House. Therefore, I was left with no other option but to approach the court with a writ petition challenging the validity of the Presidential Order seeking to withdraw the amounts from the consolidated fund of Pondicherry because I felt that if left unverified, this may develop in the future to a large-scale erosion of the power and authority of the legislatures and embolden the executive to bypass and curtail the basic control over the public purse by Parliament and State legislatures. Accordingly, Mr. Sivaprakasam, a Member of Rajya Sabha coming from Pondicherry and I approach the Madras