

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI A. C. GEORGE): (a) and (b). The import of rayon grade wood pulp for the production of rayon tyre cord is at present canalised through the STC and the position regarding its availability is difficult as no offers have been received by the STC in response to the tender floated by it. There is at present a short-fall of about 25% in the availability. All avenues are being explored to ensure its adequate availability for the production of rayon tyre cord for indigenous consumption.

(At this stage some persons shouted from the Visitor's Gallery and attempted to throw some leaflets from there on the floor of the House).

18.02 hrs.

### RE. ADJOURNMENT MOTION (Query)

MR. SPEAKER: Now, Papers to be laid on the Table. Shri K. R. Ganesh.

SHRI S. M. BANERJEE (Kanpur): Sir, I have given notice of an adjournment motion. Tomorrow is the last day of the session.

MR. SPEAKER: Adjournment motion can be given if the matter is of very recent origin. It is continuing for the last one week. Every day it is being given and I am rejecting it. So, do not try to repeat the same.

SHRI S. M. BANERJEE: Tomorrow is the last day of the session. The strike of the locomen is still continuing. Shri Sabapathy is here in New Delhi. Let the Railway Minister initiate negotiations with him so that an agreement could be reached and the strike withdrawn. The workers allege that some of the assurances that were given to them have not been implemented ... (Interruptions)

MR. SPEAKER: If the strike can be settled by shouting at each other, I will sit quiet for half an hour or an hour.

श्री अटल बिहारी वाजपेयी (ग्वालियर): कल हाउस की बैठक समाप्त हो रही है। इससे पहले कि हम जायें, हम चाहेंगे कि रेलवे के बारे में और इंडियन एयरलाइन्स के बारे में जो लेटेस्ट पोजीशन है उस पर दोनों मंत्री सदन के सामने अपना वक्तव्य दें।

MR. SPEAKER: You bring all these motions every day, sometimes under Rule 377; sometimes in the form of Call Attentions. If you only want to shout, if you do your duty in this fashion, you do it outside. Don't do it in the House.

I quite appreciate your anxiety about the strike; I quite appreciate your anxiety about the great inconvenience caused to the people. I have been giving you opportunities to raise this matter throughout in the last few days, either in one form or other. Now, the House is going to adjourn *sine die* tomorrow. I will ask both the Ministers to come out with comprehensive statements tomorrow.

May I then also have the last parting request to you. I can do it tomorrow...

SHRI ATAL BIHARI VAJPAYEE: Tomorrow, not today.

अध्यक्ष महोदय: मेरा अपना खयाल है जिस दिन आप तशरीफ ले जायेंगे उसी दिन स्ट्राइक हट जायेगी।

I am very much convinced.

SHRI B. V. NAIK (Kanara): Tomorrow being the last day, may I request that the Ministers concerned should be present here when we make submissions under Rule 377?

MR. SPEAKER: Now, papers to be laid.

Mr. Ganesh.

12.07 hrs.

### PAPERS LAID ON THE TABLE

REPORT OF COMPTROLLER & AUDITOR GENERAL FOR 1970-71, CENTRAL EXCISE (11TH AMENDMENT) RULES AND NOTIFICATIONS

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): I beg to lay on the Table:

- (1) A copy each of the following parts of the Report of the Comptroller and Auditor General of India for the year 1970-71 — Union Government (Commer-

[Shri K. R. Ganesh]

cial), under article 151 (1) of the Constitution :—

Part IX—Appraisal of the working of the Hindustan Photo Films Manufacturing Company Limited.

Part X—Appraisal of the working of the Indian Drugs and Pharmaceuticals Limited [Placed in Library. See No. LT-6101/73]

- (2) A copy of the Central Excise (Eleventh Amendment) Rules, 1973 (Hindi and English versions) published in Notification No. G.S.R. 1287 in Gazette of India dated the 1st December, 1973, under section 38 of the Central Excises and Salt Act, 1944. [Placed in Library. See No. LT-6102/73]
  - (3) A copy each of Notifications Nos. G.S.R. 1331 and 1332 (Hindi and English versions) published in Gazette of India dated the 8th December, 1973, under section 159 of the Customs Act, 1962, together with an explanatory memorandum. [Placed in Library. See No. LT-6103/73]
  - (4) A copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944.
    - (i) G.S.R. 1288 published in Gazette of India dated the 1st December, 1973 together with an explanatory memorandum.
    - (ii) G.S.R. 1333 published in Gazette of India dated the 8th December, 1973 together with an explanatory memorandum.
    - (iii) G.S.R. 525(E) and 526(E) published in Gazette of India dated the 15th December, 1973 together with an explanatory memorandum.
- [Placed in Library. See No. LT-6104/73]

SHRI SEZHIAN (Kumbakonam): Regarding item (iii) (4) of No. 2 of the order paper, i.e. Notifications GSR 525 and 526 dated 15th December, 1973, they relate—one to the modifica-

tion in the excise duty on the levy sugar and one about increase in the excise duty on the open market sugar.

On the 17th of this month when this was raised in the House by Mr. Shyamandan Mishra and others regarding the propriety of the orders being made when the Parliament is in session—there was a long discussion and I do not want to go into that—and before the discussion ended, you in your wisdom observed:

“The earliest opportunity should have been taken to-day. It is rather improper that it has not been brought here to-day. I do not approve of it.”

You said that. On the same day in the evening the Minister for Agriculture laid on the Table of the House a notification on price control. Under Rule 377, I wrote to you on the failure to lay the notification regarding the modification in the excise duty. I want to know why your observations were not carried out by the Finance Ministry.

The second point that I want to raise is a basic point. I do not want the laying of the papers on the Table to become a sort of a ritual, a formality to be adhered to. The Public Accounts Committee of the Fourth Lok Sabha in its 111th report—at that time Mr. Atal Bihari Vajpayee was the Chairman—has said:

“No exemption should be given without an assessment of its financial implications in so far as they can be determined. The monetary implications of the notification as could be determinable should also be indicated in the Memorandum appended to the Notification at the time they are placed before Parliament.”

This recommendation has been accepted by the Government also as you could see from the 35th report of the Fifth Lok Sabha, page 18, where they said:

“The recommendations of the PAC are accepted and action will be taken accordingly in future.”

In this case in the memorandum they have given the monetary implications as to how the prices are going to be affected, but they have not given the financial implications as required by the Public Accounts Committee Report.

MR. SPEAKER: Kindly excuse me. I have to go to the airport to receive a delegation. Mr. Deputy Speaker is here.

Please continue.

12.12 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

SHRI SEZHIYAN: In the memorandum the financial implications of the modification have not been noted. Only one sentence is there—"At the same time to make good the revenue loss on account of the reduction in the excise notice has been taken". But the PAC noticed and they said very clearly:

"No exemption should be given without an assessment of the financial implications in so far as they can be determined ..."

and this should be given in the memorandum to be submitted to the Parliament. Therefore, the Government has not given the financial implications of these exemptions.

Once again I want to impress upon the Ministry that laying the papers on the Table is not a ritual which they can do automatically and anything can be dumped on the Table of the House.

This is a serious failure on the part of the Government has been a delay, that has not been explained, and then regarding the financial implications, they have not been given.

SHRI K. R. GANESH: We will adhere to the assurance given to the P.A.C.

SHRI SEZHIYAN: Monetary implications and the financial implications are two different things. Every tax modification has got financial and monetary implications. The PAC has said that no exemption should be given without an assessment of the financial implications and the monetary implications should also be indicated in the memorandum appended to the notification at the time when they are placed before Parliament. That means that the financial implications and the monetary implications should be laid down in the Memorandum. This Memorandum does not contain the financial implications. I want to know why that has not been done.

श्री अटल बिहारी वाजपेयी (ग्वालियर): उपाध्यक्ष जी, यह कागज जो 17 दिसम्बर को रखा जाना था वह कागज आज मभा हॉल पर रखा जा रहा है। क्या यह सदन की अवहेलना नहीं है? क्या मंत्री महोदय को इस के लिये खेद प्रकट नहीं करना चाहिये? उस दिन भी आप को याद होगा यह मामला उठाया गया था। उस दिन भी नारे कागज नहीं रखे गये, शाम को रखे गये। और आज पता लगता है कि कागज पूरे नहीं उस दिन रखे गये। आज उन में से एक कागज रखा जा रहा है। वह तो तरीका नहीं है सदन के साथ व्यवहार करने का।

और दूसरी बात यह है कि जब टैक्स बढ़ाया जाता है या घटाया जाता है, इस मामले में चीनी में एक्साइज इयूटी खुले बाजार में बढ़ा दी गई, जो मिल मालिक बेचते हैं वह घटा दी गई, तो इन से सरकार को कुल कितनी आमदानी होगी इस के बारे में न पालिया-मेंट को विश्वास में लिया गया और न देश को बताया गया। और मैं समझता हूँ माननीय सेझियान ने यही मसला उठाया है।

SHRI SHYAMNANDAN MISHRA (Begusarai): I rise on a point of order. My point is that certain recommendations of the Public Accounts Committee have been accepted by the Government. If those recommendations are not implemented by the Government—as has been pointed out by my hon. friend, Mr. Sezhiyan, the financial implications have not been given to the Parliament—would these measures of the Government be effective...

SHRI TRIDIB CHAUDHURI (Bengal): They should be laid on the Table of the House.

SHRI SHYAMNANDAN MISHRA: Yes. They should be laid on the Table of the House.

My second point is this. Can Government subdivide the tariff? There also the recommendation is that Government cannot subdivide the tariff. According to the recommendation of the Public Accounts Committee:

"The tariff schedules should be left to be framed by Parliament

[Shri Shyamnandan Mishra]

and the tendency to sub-divide the tariff through notifications should be arrested. Parliamentary control in this field is vital as it provides an opportunity for different shades of representative opinion to influence the taxation proposals. The power given to the executive to modify the effect of the statutory tariff should be regulated by well-defined criteria..."

This sub-division is taking place. But the well-defined criteria have not been laid down. So, my submission is that Government had accepted this recommendation also and they have not implemented it. Therefore, all that they have done is not effective.

SHRI MADHU LIMAYE (Banka) : On a point of order...

MR. DEPUTY-SPEAKER : Let me deal with the point of order that has been raised before I come to your point of order.

Now we have to separate the two—the point of order and whether the Government has presented everything that is necessary in connection with this paper. As far as order is concerned, I am satisfied that this paper which the Government wants to lay has been authenticated and the Speaker has agreed that it should be laid. As far as order is concerned, I do not think there is any point of order.

Now I come to the second point. What all you are submitting may be quite legitimate; I am not disputing that at all. I must also say that it is difficult for the Chair to come to any opinion here immediately because this is a formal matter—just laying the paper—and it requires that the Chair must read these papers and the Minister must read these papers. Perhaps some other opportunity may be taken for discussing this, if necessary. It cannot be done just like this. But here there is only one question which appears to me to be legitimate—and the Minister can as well satisfy this House if he can, and if he cannot, some other opportunity may be taken in future,—whether financial implications have been given along with this Memorandum; if they have not been given, what are the reasons? Can the Minister enlighten the House on that point?

SHRI ATAL BIHARI VAJPAYEE : But, what about the delay in laying of this paper?

SHRI SEZHIYAN : One of the memoranda was put on the same day at about 5-30; what about the other memorandum?

MR. DEPUTY-SPEAKER : The Minister has to satisfy them firstly why there is delay; secondly, why he did not think it necessary that the financial implications also must form part of this memorandum. I think these are the two points. If you can satisfy them, well and good. If not, have some other opportunity.

SHRI SHYAMNANDAN MISHRA : What is the effect of the delay? Can they come up after six months? My point is that there must be some effect of the delay.

MR. DEPUTY-SPEAKER : Offhand I cannot pronounce anything from the Chair without studying the thing myself.

SHRI K. R. GANESH : I shall place a statement tomorrow.

श्री मधु लिमये : श्री सेझियान ने कहा है कि पी० ए० सी० की किसी सिफारिश को सरकार मान सकती है या अस्वीकार कर सकती है। लेकिन सरकार ने इसको माना है। मानने के बाद यह सदन की कमेटी का निर्णय हो जाता है और इस निर्णय की अवहेलना का जो मामला है वह विशेषाधिकार का मामला बन जाता है। बात बिल्कुल सफ है। कोई विवाद की गुंजाइश नहीं है। एक सिफारिश आई। सरकार ने उसका माना। यह सदन और कमेटी का निर्णय हो गया। इस निर्णय की अवहेलना हुई है। अब 227 में यह मामला विशेषाधिकार का मामला श्री गणेश के खिलाफ बन गया है...

MR. DEPUTY-SPEAKER : From some point of order you go to privileges and all that. Mr. Limaye, you will kindly sit down. Why don't you leave the House to me?

श्री मधु लिमये : आप अपना निर्णय दोजिये।

**SHRI JYOTIRMOY BOSU** (Diamond Harbour): Will it be unparliamentary?

**MR. DEPUTY-SPEAKER**: You will also leave the House to me. Mr. Limaye knows very well. If you want to raise a privilege motion or anything, you are welcome to do it under proper rules. Give proper notice for that. Why do you raise in the form of a point of order?

**श्री मधु लिमये** : 227 में इसके लिए नोटिस की जरूरत नहीं है।

**MR. DEPUTY-SPEAKER**: You have to give a notice for that. Now, Shri Shah Nawaz Khan to lay the papers.

**REVIEWS & ANNUAL REPORTS OF INDIAN DRUGS AND PHARMACEUTICALS LTD. AND HINDUSTAN ORGANIC CHEMICALS LTD. FOR 1971-72**

**THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS (SHRI SHAHNAWAZ KHAN)**: I beg to lay on the Table a copy of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the **Companies Act, 1956** :—

- (i) (a) Review by the Government on the working of the Indian Drugs and Pharmaceuticals Limited, New Delhi, for the year 1971-72.
- (b) Annual Report of the Indian Drugs and Pharmaceuticals Limited, New Delhi, for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-6105/73]
- (ii) (a) Review by the Government on the working of the Hindustan Organic Chemicals Limited, Rasayani, for the year 1971-72.
- (b) Annual Report of the Hindustan Organic Chemicals Limited, Rasayani, for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [Placed in Library. See No. LT-6106/73]

**SHRI JYOTIRMOY BOSU**: When we had half an hour discussion, the Chair, on 28th November gave two directives to the hon. Minister.

**MR. DEPUTY-SPEAKER**: Has it got anything to do with this?

**SHRI JYOTIRMOY BOSU**: Yes, Sir, I have sent four reminders so far. The Hon. Minister is withholding this information from Members of the House. Let the hon. Minister tell us as to why he is sitting over this.

**MR. DEPUTY-SPEAKER**: I do not think they have anything to do with this particular item. Have it on some other occasion.

**ANNUAL REPORT AND ACCOUNTS OF AIR INDIA FOR 1972-73 AND AIRCRAFT (8TH AMDT.) RULES**

**THE MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (DR. SARAJINI MAHISHI)**: I beg to lay:

- (1) A copy of the Annual Report (Hindi and English version) of the Air India for the year 1972-73 under sub-section (2) of section 37 of the Air Corporations Act, 1953.
- (2) A copy of the Certified Accounts (Hindi and English versions) of the Air India for the year 1972-73 together with the Audit Report thereon, under sub-section (4) of section 15 of the Air Corporations Act, 1953. [Placed in Library. See No. LT-6107/73]
- (3) A copy of the Aircraft (Eighth Amendment) Rules, 1973 (Hindi and English version) published in Notification No. G. S. R. 1347 in Gazette of India dated the 8th December, 1973, under section 14A of the Aircraft Act, 1934, together with an explanatory note. [Placed in Library. See No. LT-6108/73]

**INDIAN ADMINISTRATIVE SERVICE (EMERGENCY COMMISSIONED AND SHORT SERVICE COMMISSIONED OFFICERS) 3RD AMDT. REGULATIONS**

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA)**: I beg to lay on the Table